

Panaji, 31st May, 1984 (Jyaistha 10, 1906)

SERIES II No. 9

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 6/4/82-PER (Vol. II)-XXX

The following Officers holding Grade II posts of Goa, Daman and Diu Civil Service are hereby transferred and posted as shown below with immediate effect:—

Sr. No.	Name of the Officer	Present posting	Posted on transfer
1	2	3	4
1.	Shri S. D. Sadhale	Under Secretary (Ind. & Labour)	Dy. Director (Vigilance), Directorate of Vigilance vice Shri D. S. Shirodkar transferred.
2.	Shri D. S. Shirodkar	Dy. Director (Vigilance), Dte. of Vigilance and holding additional charge of Passport Officer	Passport Officer.
3.	Shri S. V. Elekar	Under Secretary (Finance) Sectt.	Under Secretary (Ind. & Labour) vice Shri S. D. Sadhale transferred.
4.	Shri K. B. Verekar	Under Secretary (Budget), Secretariat	Asst. Director, Office of Labour Commissioner, Panaji.
5.	Shri Umakant Advalpalkar	Addl. Dy. Collector, Collectorate of Goa, Panaji	Administrator of Bardez Comunidade, Mapusa (on deputation) thereby relieving Shri E. N. Rodrigues.
6.	Shri A. M. Bhandare	Dy. Collector (Land Acquisition Officer)	Administrative Officer, Directorate of Social Welfare vice Smt. Philomena Fernandes transferred.
7.	Smt. Philomena Fernandes	Administrative Officer, Directorate of Social Welfare	Administrative Officer, Directorate of Health Services thereby relieving Shri V. H. Madkalkar, Accounts Officer from the additional charge.
8.	Shri George Kuruvilla	Dy. Registrar, Govt. Polytechnic, Panaji	Asst. Commissioner of Excise thereby relieving Shri E. Paes, Excise Officer from the additional charge of the post of Asstt. Commissioner of Excise.
9.	Shri Ivo Fernandes	Dy. Controller, Police Department	Dy. Registrar, Government Polytechnic, Panaji vice Shri G. Kuruvilla transferred.
10.	Shri S. S. Byali	Asstt. Director of Industries & Mines	Asstt. Director of Fisheries, thereby relieving Shri M. G. Naik, Statistical Asstt. of the addl. charge of Asstt. Director of Fisheries.
11.	Shri M. M. Mitbaukar	Chief Officer, Mormugao Municipal Council	Administrative Officer, Directorate of Animal Husbandry and Veterinary Services thereby relieving Shri Y. R. Salkar, Asstt. Accounts Officer from the addl. charge of the post of Administrative Officer (Govt. order No. 6/3/81-PER (Vol. II) dated 28-6-1983 refers).
12.	Shri B. F. Coutinho	Asst. Director of Panchayats & Administrator of Ponda Municipality	Administrator of Salcete Comunidades (on deputation) thereby relieving Shri M. S. Khan, Addl. Dy. Collector from the additional charge.
13.	Shri M. S. Sail	Under Secretary (Revenue)	Asstt. Secretary, Goa, Daman and Diu Housing Board, Panaji (on deputation).
14.	Shri N. D. Vengurlekar	Under Secretary (Law)	Asstt. Director of Panchayats and Administrator of Ponda Municipality vice Shri B. F. Coutinho transferred.

2. The Officers at Sr. No. 5, 7, 8, 10 and 11 shall move first by handing over the charge of the post to some other Officer in their Offices/Institutions.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 24th May, 1984.

Order

No. 6/4/82-PER (Vol. II)

The Administrator of Goa, Daman and Diu is pleased to promote on ad-hoc basis the following substantive incumbents of the posts included in the Schedule II of the Goa, Daman and Diu Civil Service, shown in column 2 below, to Grade II post of the same service, with immediate effect, and to post them against the posts as shown in column No. 3:—

Sr. No.	Name of the Officers included in Schedule II and their present postings	Posted as
1	2	3
1.	Shri Ganesh Chimulkar, Vigilance Officer and at present P. S. to Industries Minister, Secretariat.	Assistant Director of Industries vice Shri S.S. Byali transferred.
2.	Shri A.C.P. Fernandes, Industries Officer, Directorate of Industries and Mines, Panaji.	Planning Officer, Rural Industries Project, Directorate of Industries and Mines (vacant post).
3.	Shri S.V. Shirodkar, Superintendent, Planning Deptt. Secretariat.	Under Secretary (Budget) vice Shri K.B. Verekar transferred.
4.	Shri D.M. Accawade, Superintendent, Works, Education & Tourism Department, Secretariat.	Additional Dy. Collector, Collectorate of Goa vice Shri U. Advalpalkar transferred.
5.	Shri S.S. Dharangutti, Superintendent, Local Admn. & Welfare Department, Secretariat.	Chief Officer, Mormugao Municipal Council (on deputation) vice Shri M.M. Mitbavkar transferred.
6.	Shri Madhu Nambiar, Superintendent, Finance Deptt., Secretariat.	Under Secretary (Finance) vice Shri S. V. Elekar transferred.
7.	Shri V.P. Prabhu, Assistant Registrar of Co-op. Societies.	Dy. Controller, Police Department (Hqrs.) vice Shri Ivo Fernandes transferred.
8.	Shri V.G. Patil, Assistant Registrar of Co-op. Societies.	Additional Dy. Collector, Collectorate of Goa (vacant post).
9.	Shri A.M. Mascarenhas, Mamlatdar/B.D.O. at present Private Secretary to Law Minister.	Superintendent of Jail, Aguada thereby relieving Shri M. N. Bhartiya, Additional Dy. Collector from the additional charge of the post.
10.	Shri G.V.P. Desai, B.D.O., Ponda.	Dy. Registrar, Engineering College, Farmagudi thereby relieving Shri A. P. Crasto, Assistant Accounts Officer from the additional charge of the post.
11.	Shri J.B. Fernandes, Mamlatdar, Mormugao.	Additional Dy. Collector, Collectorate of Goa (vacant post).
12.	Shri P.S. Nadkarni, Mamlatdar, Satari.	Under Secretary (Revenue) vice Shri M. S. Sail transferred.
13.	Shri R.G. Vaglo, Mamlatdar, Bicholim.	Additional Dy. Collector, Collectorate of Goa (vacant post).
14.	Shri F.C. Fernandes, B.D.O., Satari.	Additional Dy. Collector, Collectorate of Goa (vacant post).

1	2	3
15.	Shri G.G. Kambli, Mamlatdar, Sanguem.	Under Secretary (Law), Secretariat, vice Shri N.D. Venugurlekar transferred.
16.	Shri P.M. Borkar, Chief Officer, Ponda Municipal Council, Ponda.	Dy. Collector (Land Acquisition Officer) vice Shri A. M. Bhandare, transferred.
17.	Shri J.M. D'Cunha, B.D.O., Bardez.	Administrator of Tiswadi Comunidade, thereby relieving Smt. Naini Jayaselan, IAS from the additional charge.
18.	Shri S.S. Keshkamat, Mamlatdar, Margao.	Chief Officer, Margao Municipal Council thereby relieving Shri M. M. Pais from the additional charge.
19.	Shri V.Y. Sakhardande, Joint Mamlatdar, Bardez.	Assistant Project Officer, Rural Development Agency (on deputation).
20.	Shri V.S. Sawant, Estate Officer, Irrigation Department.	Additional Dy. Collector, Collectorate of Goa (vacant post).

2. The above promotions shall not bestow on the above persons any claim for regular appointment and the service rendered on ad-hoc basis in the grade will not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade.

3. The pay of the above officers will be fixed in the time scale of Rs. 650-1200 under the rules.

4. (i) Shri R.G. Vaglo shall hand over the charge of the post of Mamlatdar to Shri A.X.B. Viegas, Joint Mamlatdar, Bicholim.

(ii) Shri S.S. Keshkamat shall take over as Chief Officer, Margao Municipal Council and hold additional charge of the post of Mamlatdar, Salcete, till he is relieved.

(iii) Shri F. C. Fernandes shall hand over the charge of the post of B.D.O. to the Joint Mamlatdar, Satari.

(iv) Shri J. M. D'Cunha shall hand over the charge of the post of B.D.O. to Shri T. J. Faleiro, Enquiry Officer, City Survey, Mapusa.

(v) Shri J. B. Fernandes shall hand over the charge of the post of Mamlatdar to Shri A. V. Figueiredo, Joint Mamlatdar, Mormugao.

(vi) Shri G. V. P. Desai shall take over the charge of the post of Deputy Registrar, Engineering College and hold the additional charge of B. D. O., Ponda till he is relieved.

(vii) Shri V. Y. Sakhardande shall take charge of the post of Asstt. Project Officer and hold the additional charge till he is relieved.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gannekar, Under Secretary (Personnel).

Panaji, 24th May, 1984.

Notification

No. 3/33/82-PER

The following notification of the Government of India, Ministry of Home Affairs, Department of Personnel & A.R., New Delhi is republished for information.

N. P. Gannekar, Under Secretary (Personnel).

Panaji, 21st May, 1984.

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
(Department of Personnel and A.R.)
New Delhi, the 3rd May, 1984.

Notification

No. 14017/6/84-AIS.II

In exercise of the powers conferred by Rule 6 of the Indian Administrative Services (Cadre) Rules, 1954 the Central Government, with the concurrence of the Government of Maharashtra hereby extend the period of deputation of Shri Ramamurthi Gopal, I.A.S. (Maharashtra) to Goa, Daman and Diu, as Secretary to Chief Minister, for another year with effect from 1-5-1984.

By order and in the name of the President.

Sd/-

Smt. Alka Kala, Deputy Secretary to the Govt. of India.

Secretariat Administration and Coordination Division

Order

No. 1/2/83-SA & C

The Administrator of Goa, Daman and Diu is pleased to promote on adhoc basis the following officials to the cadre of Mamlatdar/B.D.O. in the pay scale of Rs. 550-900 (Gazetted, Group B posts) with immediate effect and to post them against the posts shown in Column No. 3 below:

Sr. No.	Name of the Official and designation	Posted as
1	2	3
1.	Shri Higinio X. Almeida, Inspector of Civil Supplies.	Joint Mamlatdar, Bardez vice Shri K. A. Satardekar transferred.
2.	Shri D. C. N. Dessai, Extension Officer, Fisheries.	Joint Mamlatdar, Bicholim vice Shri A. X. B. Viegas transferred.

1	2	3
3.	Shri Suresh D. Prabhu, Extension Officer, Fisheries.	Joint Mamlatdar, Mormugao vice Shri A. V. Figueiredo transferred.
4.	Shri H. I. Pathak, Extension Officer, Pan-chayat.	B. D. O. Pernem vice Shri J. P. Verlekar transferred.
5.	Shri M. Chagas D'Silva, Head Clerk.	Joint Mamlatdar, Salcete vice Shri A. Godinho transferred.
6.	Shri S. P. Kamat, Head Clerk.	Chief Officer, Ponda Municipal Council vice Shri P. M. Borkar promoted.
7.	Kum. Juliet Moraes, Head Clerk.	Joint Mamlatdar, Bardez vice Shri V. Y. Sakardande promoted.
8.	Shri Gajanan M. Salkar, Head Clerk.	B. D. O., Ponda vice Shri G. V. P. Dessai promoted.
9.	Shri B. J. Makwana, Extension Officer, Pan-chayat.	Joint Mamlatdar, Sanguem vice Shri V. G. Dessai transferred.
10.	Shri Estaquio A. Rego, Head Clerk.	Enquiry Officer, City Survey, Margao vice Shri R. Kamat transferred.
11.	Shri Antonio F. Rodrigues, Head Clerk.	Estate Officer, Irrigation Department vice Shri V. S. Sawant promoted.

The above promotions/appointments will not bestow on the persons any claim for regular appointment and the service rendered on adhoc basis in the grade will not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade.

On their promotions, the pay of the officers will be fixed in the time scale of Rs. 550-900 under the rules.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (S. A. & C.).

Panaji, 24th May, 1984.

Order

No. 1/2/83-SA & C (A)

The Administrator of Goa, Daman and Diu is pleased to issue the following transfers of officers borne on the cadre of Mamlatdar/B.D.O./Enquiry Officer, City Survey/Joint Mamlatdar, with immediate effect and until further orders.

Sr.No.	Name of the Officer	Present posting	New posting
1	2	3	4
1.	Shri P. X. Baretto	Mamlatdar, Collectorate of Goa.	Mamlatdar, Pernem vice Shri S. P. Kamotim transferred.
2.	Shri J. J. Baretto	B. D. O., Quepem.	Mamlatdar, Margao vice Shri S. S. Keshkamat promoted.
3.	Shri S. P. Kamotim	Mamlatdar, Pernem.	Mamlatdar, Bicholim vice Shri R. G. Vaglo promoted.
4.	Shri G. P. Verlekar	B. D. O., Pernem.	Mamlatdar, Collectorate of Goa vice Shri P. X. Baretto transferred.
5.	Shri K. A. Satardekar	Joint Mamlatdar, Bardez.	Mamlatdar, Satari vice Shri P. S. Nadkarni promoted.
6.	Shri A. Barbosa	Joint Mamlatdar, Salcete.	B. D. O., Quepem vice Shri J. J. Baretto transferred.
7.	Shri V. G. Dessai	Joint Mamlatdar, Sanguem.	Joint Mamlatdar, Salcete vice Shri A. Godinho transferred.
8.	Shri A. Godinho	Joint Mamlatdar, Salcete.	B. D. O., Satari vice Shri F. C. Fernandes promoted.
9.	Shri R. J. Kamat	Enquiry Officer, City Survey, Margao.	Mamlatdar, Sanguem vice Shri G. G. Kamble promoted.
10.	Shri R. T. Khorjuenkar	Chief Officer, Bicholim Municipal Council.	B. D. O., Bardez vice Shri J. M. D'Cunha promoted.

1	2	3	4
11.	Shri A. V. Figueiredo	Joint Mamlatdar, Mormugao.	Mamlatdar, Mormugao vice Shri J. P. Fernandes promoted.
12.	Shri A. X. B. Viegas	Joint Mamlatdar, Bicholim.	Chief Officer, Bicholim Municipal Council vice Shri R. T. Khorjuenkar transferred.

Shri G. P. Verlekar, B. D. O., Pernem shall hand over the charge to Joint Mamlatdar, Pernem and move first.

Shri A. Barbosa, Joint Mamlatdar, Salcete shall hand over the charge to B. D. O., Salcete and move first.

Shri V. G. Dessai, Joint Mamlatdar, Sanguem shall hand over the charge to B. D. O., Sanguem and move first.

Shri K. A. Satardekar, Joint Mamlatdar, Bardez shall take over the charge of the post of Mamlatdar, Satari and relieve Shri P. S. Nadkarni and shall hold the additional charge of the post of Joint Mamlatdar, Bardez till he is relieved.

Shri R. J. Kamat, Enquiry Officer, City Survey, Margao shall take over the charge of the post of Mamlatdar, Sanguem and relieve Shri G. G. Kamble and shall hold the additional charge of the post of Enquiry Officer, City Survey, Margao till he is relieved.

Shri A. V. Figueiredo, Joint Mamlatdar, Mormugao shall take over the charge of the post of Mamlatdar, Mormugao and relieve Shri J. B. Fernandes and shall hold the additional charge of the post of Joint Mamlatdar, Mormugao till he is relieved.

Shri A. X. B. Viegas, Joint Mamlatdar, Bicholim shall take over the charge of the post of Chief Officer, Bicholim Municipal Council and relieve Shri R. T. Khorjuenkar and shall hold the additional charge of the post of Joint Mamlatdar, Bicholim till he is relieved.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (S.A. & C.).

Panaji, 24th May, 1984.

Planning Department

Order

No. 10-6-84/PLG

Government is hereby pleased to set up a "Nodal Agency" for public sector undertakings in the territory of Goa, Daman and Diu, consisting of the following:—

1. The Chief Secretary — Chairman.
2. The Development Commissioner — Member.
3. The Special Secretary (Planning) — Member.
4. The Secretary (Industries and Labour) — Member.
5. The Finance Secretary — Member.
6. The Joint Secretary (Planning and Development) — Member Secretary.

The important functions of the "Nodal Agency" shall be as follows:—

1. A critical appraisal of the need for setting up a public sector undertaking in the light of availability of other sources of production or service of similar nature and other considerations including financial, administrative etc.;
2. Framing a broad policy for recruitment of personnel in the public sector undertakings. This may cover aspects such as determining need for various types of post, scales of pay and allowances and other prerequisites, recruitment rules etc.;
3. Constant monitoring and evaluation of the public sector undertakings with a view to ensuring efficiency, capacity utilisation, a fair rate of return on investment; etc.
4. Pre-investment appraisal of the various industrial and commercial projects to be undertaken by a public sector undertaking;
5. Provision of overall supervision over the functioning of the public sector undertakings.

The "Nodal Agency" shall meet atleast once in three months and submit its findings and recommendation to Government after every meeting.

To begin with, the "Nodal Agency" shall cover the functioning of the following public sector undertaking/enterprises:—

1. Goa, Daman and Diu Economic Development Corporation.
2. Goa, Daman and Diu Industrial Development Corporation.
3. Goa Handicrafts Rural Small Scale Industrial Development Corporation Ltd.
4. Goa Meat Complex.

5. Kadamba Road Transport Corporation.

6. Goa, Daman and Diu Tourism Development Corporation.

The Nodal Agency shall also, at specific Government directive, look into the working of other industrial or commercial (private, cooperative or departmental) enterprises in which plan funds are invested in one form or the other. Such enterprises may include the Sanjivani Sugar Factory, the Government Dairy at Ponda, the Cattle feed factory, Ice Plant and Cold storages etc.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. W. Rane Sardesai, Under Secretary (Planning).

Panaji, 18th May, 1984.

Local Administration and Welfare Department

Order

No. 4/1/6/84-LAWD

Read: Memorandum No. 4/1/6/84-LAWD(ii) dt. 2-4-1984.

On the recommendation of the Local Selection Committee, Shri S. T. Puttaraju, is hereby appointed on adhoc basis to the post of Junior Town Planner (Group 'A' Gazetted) in the pay scale of Rs. 700-1300 in the Town & Country Planning Department Panaji with effect from 18-5-1984 F.N. His appointment is as per the terms and conditions mentioned in the memorandum, referred to above and his pay is fixed at Rs. 700/- p.m.

2. The above appointment will not bestow on the person a claim for regular appointment and service rendered on adhoc basis in the grade would not count for the purpose of seniority in that grade and eligibility for promotion to the next higher grade.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary (LAWD).

Panaji, 22nd May, 1984.

Notification

No. 4/46/76-UDD

Read: Notification No. 4/46/76-UDD dated 10-6-1983.

In exercise of the powers vested under sub-section (3) (II) of section 20 of Goa, Daman and Diu Town and Country Planning Act, 1974 ex-post facto sanction is hereby accorded

to the appointment of Shri N. Pandalai as Town Planning Officer/Member Secretary of Southern Planning and Development Authority Margao Goa on normal terms and conditions of deputation for a further period ending 30-6-1984.

By order and in the name of the Administrator of Goa, Daman and Diu,

S. M. Naik, Under Secretary (LAWD).

Panaji, 18th May, 1984.

Office of the Registrar of Co-operative Societies

No. 1-6-84/TS

- Read: (1) This office Notice No. 1-6-84/TS dated 17-2-84 under Sub-Section (1) of Section 78 of the Maharashtra Coop. Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, read with Sub-Rule (2) of Rule 61 of the Coop. Societies Rules, 1962, framed thereunder issued to all the members of the Board of Directors of the Goa Urban Coop. Bank Ltd., Panaji calling upon them to show cause as to why the present Board of Directors of the said Bank should not be removed and in its place a Committee of Members or one or more Administrators be appointed to manage the affairs of the said Bank in terms of the provisions of the said Act and Rules.
- (2) This Office letter No. 1/6/84/TS dated 9-2-84 addressed to the Chairman, Goa State Coop. Bank Ltd., Panaji, seeking the opinion of the said Bank on the proposed action of this office to supersede the Board of Directors of the Goa Urban Coop. Bank Ltd., Panaji, in terms of Sub-Section (1) of Section 78 of the aforesaid Act read with Sub-Rule (2) of Rule 61 of the Coop. Societies Rules, 1962 for this Union Territory.
- (3) Confidential letter No. GSCB/ADM/GM/RCS/29/7100 dated 13-2-84 from the Chairman, The Goa State Coop. Bank Ltd., Panaji, communicating the concurrence of the Bank to the proposed action of superseding the Board of Directors of the Goa Urban Coop. Bank Ltd., Panaji.
- (4) Replies dated 1-3-84 to the Show-Cause Notice received from S/Shri Vishnoo A. Naik, Bernardino Luis D'Souza, Anil N. N. Gaunekar, Mahesh M. Rau, Devidas P. S. Curchorkar, P. K. Kerkar, Chairman and Members of the Board of Directors respectively.
- (5) Replies, dated 2-3-84 to the Show Cause Notice received from S/Shri Madhav Pai Bir, Narain R. Bandekar, Layoo R. Naik, and Raghuraj R. Tamba, all Directors of the Board of Directors of the Goa Urban Coop. Bank Ltd., Panaji.
- (6) Letters dated 5-3-84 from S/Shri Bernardino Luis D'Souza, Narain R. Bandekar, Mahesh M. Rau, Devidas Curchorkar.
- (7) Letters dated 7-3-84 from S/Shri Vishnoo A. Naik, Bernardino Luis D'Souza, Narain R. Bandekar, Dr. Anil N. N. Gaunekar, Mahesh M. Rau, Devidas P. S. Curchorkar, Pushpasheel K. Kerkar.
- (8) Letters dated 9-3-84 from S/Shri Bernardino Luis D'Souza, Narain R. Bandekar, Dr. Anil N. N. Gaunekar, Devidas P. S. Curchorkar, Pushpasheel K. Kerkar, raising preliminary legal objection before taking up the matter on merits.
- (9) Affidavits dated 8-3-84 and 9-3-84 filed by Shri V. A. Naik and Shri Narain R. Bandekar, respectively.
- (10) Synopsis of the arguments from the Adv. J. E. Coelho Pereira on behalf of six Directors S/Shri Narain R. Bandekar, Dr.

Anil N. N. Gaunekar, Bernardino Luis D'Souza, Mahesh M. Rau, Devidas P. S. Curchorkar, Pushpasheel K. Kerkar.

- (11) Letter dated 14-3-84 from Shri V. A. Naik, under which copies of the resolutions taken by the Executive Committee regarding Arbitration Cases from 22-1-82 to 30-6-83, etc.
- (12) Copy of the proceedings of the Executive Committee Meeting of the Bank held on 15-2-84.

The Goa Urban Coop. Bank (hereinafter referred to as 'the Bank') which was functioning, under the name and style of "Caixa de Providencia de Nova Goa" prior to the applicability of the Maharashtra Coop. Societies Act, 1960, as applied to this Union Territory on 18-12-1962 by the Govt. Notification No. 17-COOP-62 dated 17-12-1962 (hereinafter referred to as the said Act) was by the Govt. Order dated 20-9-1963 deemed to have been registered as a Coop. Society for all the purposes of the aforesaid Act from the date of coming into force of the said Act. Subsequently, by this office Notification No. RES-(a)-80/Goa of 1963 dated 7-10-63, the said Institution was classified as the "Resource Society" under sub-classification "Credit Resource Societies" and assigned the registration code symbol "RES-(a)-80/Goa". The said Institution was however, subsequently re-classified as an Urban Bank vide Notification No. RES-(a)-80/Goa dated 22-3-72 and a corrigendum issued to the said Notification No. 3-Bank-(b)-1/Goa/74 dated 21-12-74. Consequently, the code symbol allotted to the said Institution was also changed, and the Bank was assigned the code symbol "3-Bank-(b)-1/Goa". The present byelaws of the Bank were approved and registered by this office on 26-8-64 and were amended from time to time by the bank with the approval of this office and as per the byelaws the Bank has been named as the Goa Urban Coop. Bank Ltd., Panaji, under which name and style it presently functions.

2. As per the objects embodied in the byelaws, the Bank can undertake banking business on Cooperative principles by accepting deposits of money from the members as well as the public repayable on demand or otherwise. The Bank can also undertake the activity of lending or advancing of money to its members for all bonafide purposes including the construction, and/or purchase of the houses. Accordingly, the Bank has been undertaking the activity of mobilising the deposits from the members as well as the public and providing loans and advances to its members for various purposes.

3. As per the byelaws of the Bank, the Management of affairs of the Bank vests in the Board of Directors. The Board of Directors is also responsible for maintaining control and supervision over the performance of the Chief Executive Officer (Manager) as well as other staff of the Bank. The present Directors except Shri Mahesh M. Rau and Shri Pushpasheel K. Kerkar, have been elected to the Board of Directors of the said Bank in accordance with the Goa, Daman and Diu Specified Coop. Societies (Election to Committees) Rules, 1978, and have assumed office with effect from 22-1-82. Shri Mahesh M. Rau, however, was co-opted on the Board of Directors of the said Bank with effect from 21-7-83 consequent upon a vacancy being caused by the demise of Shri Madhav E. Rau and Shri Pushpasheel K. Kerkar was nominated by the Goa State Coop. Bank Ltd., Panaji, as its Nominee on the Board of Directors in accordance with byelaw No. 55 of the Bank.

4. The functioning of the Bank had been quite satisfactory in initial years of its working. However, after the assumption of office by the present Board of Directors in January, 1982, serious irregularities in the functioning of the Bank were found to have been observed. These irregularities mainly sprung up due to groupism amongst the Board of Directors and negligence of the Board of Directors in the performance of the duties and functions imposed on it by the Coop. Societies Act as in force in this Union Territory, the Rules framed thereunder and the byelaws. Moreover, certain actions/decisions taken by the said Board were found to be not in keeping with the democratic functioning of a Coop. Institution and prejudicial to the interest of the shareholders and depositors of the Bank.

5. Having been satisfied that a prima-facie case exists for supersession of the present Board of Directors the undersigned issued a Notice dated 17-2-84 referred to at Sr. No. (1) above calling upon all the members of the present Board of Directors to show cause in writing, within 15 days from the date of issue of the said notice, as to why the present

Board of Directors of the said Bank should not be removed and in its place a Committee of members or one or more Administrators be appointed to manage the affairs of the said Bank in terms of the said provisions of the Act and Rules.

6. Pursuant to the issue of the said Notice Shri V. A. Naik, Chairman of the Bank and the Bank through its Chairman filed on 2-3-84 a Writ Petition No. 33 of 1984 in the High Court of Judicature, Bombay, Goa Bench at Panaji, challenging the validity of this Office Show-Cause Notice dated 17-2-84. The matter came up for hearing on 3-3-84 and the Hon'ble High Court was pleased to order that in the event of any order being passed by the Registrar adverse to the Petitioner, the order so passed should not take effect for a period of two weeks from the date of receipt of such order by the Petitioners.

7. In response to the said Notice, all the members of the Board vide their replies dated 1-3-84 and 2-3-84 as cited at Sr. Nos. (4) and (5) above submitted their say on each of the points indicated in the said Notice. Besides, the replies submitted by them, the Chairman submitted a written Affidavit dated 8-3-84 at the time of hearing held on 9-3-84. Shri Narain R. Bandekar also submitted an Affidavit dated 9-3-84 in addition to a Written Statement dated 9-3-84. So also, Written Statements dated 9-3-84 were submitted by S/Shri Bernardino Luis D'Souza, Dr. Anil N. N. Gaunekar, Devidas P. S. Curchorkar and Pushpasheel K. Kerkar. S/Shri Bernardino Luis D'Souza, Narain R. Bandekar, Devidas P. S. Curchorkar, Dr. Anil N. N. Gaunekar and Mahesh M. Rau, were represented by Adv. J. E. Coelho Pereira at the time of hearing held on 9-3-84. Shri Raghurai Tamba also submitted his Written Reply at the time of the hearing on the various points included in the Show-Cause Notice dated 17-2-84.

8. Pursuant to the replies dated 1-3-84 and 2-3-84 received from the members of the Board, it was felt necessary to hear the parties and accordingly the members of the Board were requested by this office letter dated 5-3-84 to attend a hearing before the Registrar on 9-3-84, and submit their say, if any, alongwith documentary evidence in the matter. In reply to this Office letter dated 5-3-84, S/Shri V. A. Naik, Bernardino Luis D'Souza, Narain R. Bandekar, Dr. Anil N. N. Gaunekar, Mahesh M. Mau, Devidas P. S. Curchorkar and Pushpasheel K. Kerkar, by their letter dated 7-3-84 raised certain points viz., (i) about the Notice dated 17-2-84 requiring the Goa Urban Coop. Bank Ltd., Panaji, to be represented at the time of the hearing, (ii) about the Director being represented at the time of the hearing through legal practitioners in view of the fact that certain legal submissions were to be made, (iii) reliance on the Compliance Report submitted on the Reserve Bank of India's Inspection Report. All these points were dealt with at the time of the hearing held on 9-3-84.

9. As scheduled, the hearing in the matter was held on 9-3-84. All the Directors were present, S/Shri V. A. Naik, Raghurai Tamba, Madhav Bir, appeared in person whereas S/Shri Bernardino Luis D'Souza, Narain R. Bandekar, Devidas P. S. Curchorkar, Dr. Anil N. N. Gaunekar, Mahesh M. Rau and Pushpasheel K. Kerkar were represented by their Advocate Shri J. E. Coelho Pereira.

10. S/Shri Bernardino Luis D'Souza, Narain R. Bandekar, Dr. Anil N. N. Gaunekar, Devidas P. S. Curchorkar and Pushpasheel K. Kerkar in their letters dated 9-3-84 produced at the time of hearing raised the following preliminary objections:—

- (a) That the Registrar did not appraise and evaluate the material before him in a judicial manner so as to arrive at a subjective satisfaction that a prima-facie case exists within the meaning of Section 78 of the said Act and that action is warranted.
- (b) That no Notice had been served on the Goa Urban Coop. Bank Ltd., which was necessary since it is the Institution which will be the sufferer in case action under Section 78 is taken.
- (c) That there has been non-application of mind by the Registrar in the matter of issue of notice under Section 78.

11. As far as the objection at (a) above is concerned, it may be stated that there was prima-facie satisfaction about the existence of serious irregularities warranting action under Section 78 on the part of the Registrar has been done and this is evident from the very notice itself and therefore, the objection is not sustainable.

As regards objection at (b) above, it may be mentioned that the law does not contemplate the issuance of a Notice to the Institution as the matter involves only removal of the members of the Board of Directors and therefore, Notice is necessary only to the members of the Board which has been done in the instant case.

As regards the objection at (c), it may be stated that the objection is presumptuous and therefore, is not being given any credence.

12. The arguments as advanced by the Chairman and the other Directors at the time of the hearing held on 9-3-84 on the various charges as indicated in this Show-Cause Notice dated 17-2-84, were heard and the same are discussed charge-wise as under:—

**I. Charges under paras 5(a)(i), (ii), (iii) and (iv).—
Concentration of powers in the hands of the Chairman:—**

13. Under para 5(a)(i) of the Show-Cause Notice, it has been alleged that the Board of Directors by a Resolution dated 25-1-82 has delegated all its powers to the Chairman as listed below:—

Sr. No. Particulars of powers.

- (i) Sanctioning loans and advances.
- (ii) Examination of all cases of arrears and taking proper action for their recovery.
- (iii) To sanction transfer/refund/allotment of shares to members.
- (iv) To refund deposits before maturity.
- (v) To appoint staff members as per directions of the Board to place them on probation and to confirm when the services are found satisfactory or to terminate the services when they are not found satisfactory.
- (vi) To promote staff members on ad-hoc basis for temporary periods.
- (vii) To approve transfer of staff members.
- (viii) To consider resignations from staff members and to issue them service certificates.
- (ix) To sanction payment of salary, allowances and other benefits to staff members.
- (x) To sanction all types of leave to staff members.
- (xi) To sanction routine expenditure on stationery, printing, advertisement, taxes, electricity, insurance, entertainment, furniture, fixtures etc.
- (xii) To sanction staff advances to the members of the staff and to sanction them annual increments.
- (xiii) To operate Bank's accounts with other banks and to buy, sell, pledge, endorse and transfer promissory notes, Govt. and other securities standing in the name of the Bank, to sign, endorse and negotiate cheques and other negotiable instruments and to sign all receipts of all kinds and other documents connected with the business of the bank.
- (xiv) To accept deposits of all kinds.
- (xv) To dispose of applications for extension/renewal of advances.
- (xvi) To do all other acts which are necessary for the management of the Bank and which have not been reserved to the Board/Executive Committee.
- (xvii) To admit members and allot shares.

14. In this behalf Shri V. A. Naik contended that the Board of Directors has not delegated all its powers to the Chairman by the Resolution dated 25-1-82 since the following powers do not stand delegated to the Chairman:—

Sr. No. Particulars of powers.

- (i) To appoint, suspend, punish or dismiss all salaried servants of the Bank.
- (ii) To hear and deal with complaints.
- (iii) To examine and check the accounts.
- (iv) To prepare Annual Balance Sheet and Report.
- (v) To raise loans.
- (vi) To fix rates of interest or brokerage for borrowings.
- (vii) To institute, defend, or compromise legal proceedings.

- (viii) To open branches and to appoint agents and correspondents subject to the rules to be framed by the Board and approved by the Registrar.
- (ix) To appoint an Executive Committee or any other Committee or Committee for carrying out any specified functions relating to the business of the Bank.
- (x) To frame regulations for the conduct of the business of the Bank consistent with the Act, Rules and these Byelaws subject to the approval of the Registrar.
- (xi) Generally to conduct the business of the Bank and frame Rules without prejudice to these byelaws.
- (xii) To constitute Local/Branch Committees consisting of minimum of three members and the maximum of five members with the powers to sanction loans and to supervise the working of the branches as delegated from time to time by the Board of Directors under byelaw No. 64.

15. Shri Madhav Pai Bir in his Written Reply dated 2-3-84 as well as at the time of the hearing held on 9-3-84 contended that the Resolution No. 3 passed by the Board of Directors in its Meeting held on 25-1-82 delegating several powers of the Board of Directors to the Chairman was opposed by him and three other Directors. However, the said Resolution was passed with five members i.e. all the members of the Executive Committee including the Chairman himself voting for it. Shri Madhav Pai Bir further contended that from the minutes of the Executive Committee Meeting held on 7-4-82, 21-4-82, 28-4-82, 5-5-82, and 12-5-82, as furnished to him, large number of loans was found to have been sanctioned by the Chairman alone in his individual discretion and that a list of all such sanctions made by the Chairman was placed before the Executive Committee merely for being noted by it. Shri Bir contended further that during the period from 7-4-1982 to 23-6-1982 loans totalling Rs. 1,29,56,350/- in 2568 applications were sanctioned by the Chairman alone.

16. Shri Madhav Bir further pointed out that he had filed a dispute under Section 91 against the Chairman and members of the Executive Committee as also the Bank praying for declaration of the Resolutions No. 2 and 3 of the Board of Directors Meeting held on 25-1-82 as illegal and void. He further stated that the Registrar's Nominee has upheld his contention in this case and has passed an order declaring both the Resolutions No. 2 and 3 dated 25-1-82 as null and void and further the Registrar's Nominee by a permanent injunction has restrained the Executive Committee from exercising powers in terms of the Resolution No. 2 and the Chairman from exercising the powers under Board's Resolution No. 3 dated 25-1-1982.

17. Shri Raghurai Tamba in his Written Reply dated 2-3-84 contended that he had also objected to the delegation of such powers by the Board to the Chairman, but despite the same being objected to by him as well as three other Directors, the Resolution was carried by a majority of five Directors voting for it.

18. Shri Lavoo R. Naik also has contended in his Written Reply dated 2-3-84 that he had strongly objected to the delegation of several powers of the Board of Directors to the Chairman on the grounds that the same is against the principle of the cooperative movement. He further contended that he alongwith some other Directors was of the opinion that the loaning policy/Rules must be framed and that all loan applications must be sanctioned by the Board of Directors. However, the Chairman and his group did not take his views into consideration.

19. In this connection, it may be mentioned that the whole aspect of delegation of powers to the Chairman has not been done in a rational manner and appears to have been done in a very casual manner without proper application of mind in as much as by Resolution No. 2 of the Meeting of the Board of Directors held on 25-1-1982, the Board delegated its powers to the Executive Committee and further by the very next Resolution No. 3 of the same meeting held on 25-1-1982, the Board empowered the Chairman with identical powers thereby making the Resolution No. 2 of the Board redundant for all practical purposes. Moreover, in terms of byelaw No. 71 of the Bank any delegation to the Chairman of powers which already stands delegated to the Executive Committee could be effected only by the Executive Committee and not by the Board of Directors.

20. As regards the contention of the Chairman that all the powers of Board of Directors have not been delegated to the Chairman in as much as certain powers as cited from

serial No. (i) to (xii) under para 14 do not stand delegated to the Chairman, it may be pointed out that out of the powers which have been cited above in para 14 at Serial No. (i) to (xii), the powers indicated against (i), (v), (vi) and (viii) cannot be delegated in terms of byelaw No. 64 and therefore, the question of exercise of discretion in retention of these powers by the Board does not arise. In other words, there could have been no delegation of these powers to the Chairman since the byelaw No. 64 restrict the delegation of such powers.

21. Further, it may be pointed out that those powers which have not been delegated as pointed by the Chairman in para 14 are such that are not of general and frequent use and by retaining only such powers the Board has reduced itself to a non-entity, since powers which were delegated were of utmost importance and frequent usage.

22. In this connection, it may be also pointed out that the said resolution regarding delegation of powers does not specify the type of loans that can be sanctioned by the professional management, the Chairman, the Executive Committee or the Board. By virtue of the said delegation, the Chairman has been invested with unlimited, unfettered and unbridled powers of sanctioning loan without any guidelines which is infact the most important function of any Bank. Neither the byelaws nor any of the Rules or policies laid down by the Bank provide any restrictions on the powers of the Chairman. It is, therefore, apparent that the Board has not applied its mind while delegating the said powers to the Chairman.

23. As regards sanction of loans, the Chairman has himself admitted that he has sanctioned many loans upto Rs. 20,000/- although there is some discrepancy in the say of Chairman in as much as that in the written reply to the Show Cause Notice he has stated that the Chairman has never sanctioned any loan over and above Rs. 10,000/- except disbursement against pledge of gold, while in his affidavit he stated that the Chairman during the tenure of the present Board from 10-2-82 to 13-4-83 has sanctioned only small loans not exceeding Rs. 15,000/-, except a loan of Rs. 20,000/- sanctioned on 19-2-82 etc. Further from the statements of Shri Madhav Pai Bir both in his written reply dated 2-3-84 as well as at the time of hearing held on 9-3-84, it is evident that the Chairman has been sanctioning most of the loans by virtue of delegation of powers vested in him by the Resolution dated 25-1-82 of the Board of Directors. As per records it has been found that during the cooperative year 1982-83, the Chairman sanctioned loans to the extent of Rs. 202.78 lakhs involving 3482 loan cases as against Rs. 307.34 lakhs involving 2415 loan cases sanctioned by the Executive Committee. It has been further observed that not a single case has been sanctioned by the Board of Directors during the year 1982-83.

24. In this connection, it may be mentioned that it is none of the duties of a part-time non-official honorary Chairman to sit down and sanction small loans which in fact, should be the legitimate function of the professional management. In all established banking institutions there is clear demarcation between the duties and responsibilities of the professional management and non-official Board of Directors. The function of the Board is to lay down policies and the Rules while that of the professional management is to implement them subject to the general control and supervision of the Board. As per banking conventions, loans upto Rs. 20,000/- should be sanctioned by the Branch Manager or by the General Manager and not by the Chairman. Bigger cases should come to the Executive Committee or the Board with a professional appraisal. By taking upon himself the responsibility of sanctioning small loans on a regular basis as a matter of routine the Chairman has encroached upon the legitimate functions of the professional management.

25. The Chairman in his oral argument at the time of hearing held on 9-3-1984 contended that the delegation of powers had been effected even in the past as far back as from 1977 and that such delegation had never at any stage objected to by the Department. With regard to this contention, it may be stated that the powers of delegation were not that excessively used as in the present case. Moreover, the fact that the previous Board of Directors committed certain misdoings does not mean that the succeeding Boards can commit any such acts that are not in keeping with the Act, Rules and Byelaws and prejudicial to the interests of the shareholders and depositors.

26. With regard to the charge under para 5 (a) (ii) of the Show Cause Notice dated 17-2-84 the Chairman contended that the Local Advisory Committee constituted by the Bank were functioning and that it is not true that they have been non-functional as a result of concentration of powers in the Chairman. Here, it may be pointed out that the contention of the Chairman is not correct, as the Local Advisory Committee constituted by the Bank had been non-functional as has been admitted by the Chairman himself, in the course of proceedings of the Review Committee appointed for implementation of the Rehabilitation programme of the Goa Urban Coop. Bank Ltd., Panaji, held on 7-12-83 wherein the Chairman had stated that the Sub-Committee/Local Advisory Committees at the Branch level though constituted have not been delegated with powers of sanction of advances.

27. With regard to charge under para 5(a) (iv) relating to admission of members, allotting of shares and approving transfer of shares which have been delegated to the Chairman, it may be stated that the Chairman has admitted the facts although hereagain there has been a slight discrepancy in the statements of the Chairman in the written reply dated 9-3-84 and the affidavit dated 8-3-84. In his written reply the Chairman has stated that since 15-2-84 no members have been admitted or share allotment has been made by him. However, in his affidavit the Chairman has stated that the members have been admitted and shares have been allotted by him only upto 7-2-84 and thereafter members have been admitted and shares have been allotted by the Executive Committee. The Chairman has further contended that since the inception of the Bank the functions of admitting members, allotting shares and approving transfer of shares were carried out by the Executive Committee.

28. With regard to the aforesaid contentions of the Chairman, it may be pointed out that admission of members in a Cooperative Society is a primary function of the Board of Directors in terms of Rule 16 of the Coop. Societies Rules, 1962, for this Union Territory and the same has to be exercised subject to such resolutions as may be passed by the General Body from time to time, the purpose being that the Society should be safeguarded against the infiltration of undesirable elements or vested interests. It is for this reason that a very elaborate procedure for admission of members by a Cooperative Society has been prescribed under Rule 16. Under no circumstances this power can be exercised by any office-bearer, Sub-Committee or even the Executive Committee and in view of this there could have been no delegation of powers, in the matter of admission of members even to the Executive Committee and not to speak of the Chairman. In this context, it has been rightly provided under item (i) of the Byelaw No. 63 of the Bank that the powers to admit members and allot shares and to approve transfer of shares shall be exercised by the Board of Directors which is in accordance with the said Act and Rule 16. The say of the Chairman that right from inception of the Bank, the admission of members as well as allotment of shares were being performed by the Executive Committee is not tenable and does not give him any allowance to exercise such powers in violation of the provisions of the said Act and Rules. By delegating the said power to the Chairman, the Board has practically abdicated the primary responsibility cast upon it in terms of the Act, Rules and Byelaws.

29. From the foregoing, it is clear that there had been a heavy concentration of powers in the hands of the Chairman in as much as that due to the casual and faulty delegation of powers, the Chairman has come to assume into himself not only the legitimate functions of the Board such as admitting members, but also legitimate functions of the professional management such as sanctioning small loans. It is also proved beyond doubt that the Chairman has actually exercised these powers in a big way. The explanation of the Chairman only confirms the charges and therefore, I hold the charges under para 5(a) (i) (ii) and (iv) as proved against the present Board of Directors.

30. S/Shri Narain R. Bandekar, Bernardino Luis D'Souza, Devidas P. S. Curchorkar, Dr. Anil N. N. Gaunekar, Mahesh M. Rau and Pushpasheel K. Kerkar in their written synopsis of their submissions filed through Adv. J. E. Coelho Pereira, on 14-3-1984 have stated that the Chairman during the course of the hearing has satisfied the Registrar and the Registrar was infact satisfied that there was no concentration of powers in his hands. This submission is purely presumptuous and at no stage during the course of hearing such an inference could have been drawn. On the other hand from the foregoing discussion, it is clear that there has been a heavy concentration of powers in the hands of the Chairman.

II. Charge under 5(b) (1):— Permitting of drawals in excess of sanctioned limit:—

31. With regard to this charge the Chairman as well as S/Shri Bernardino Luis D'Souza, Narain R. Bandekar, Devidas P. S. Curchorkar, Dr. Anil N. N. Gaunekar, Mahesh M. Rau and Pushpasheel K. Kerkar in their written replies dated 1-3-84, contended that the drawals in excess of cash credit limits arose mainly when the borrower does not pay the interest debited to his account and that the debit of interest to the account results in swelling the account and that in fact no drawals are permitted in excess of the sanctioned limit. As regards the instances cited in the Notice, the Chairman pointed that in all those cases the limits were sanctioned by the previous Board of Directors and that the excess drawals have not been sanctioned by the present Board of Directors. The matter was verified, the say of the Chairman has been accepted, therefore the charge mentioned under para 5(b) (1) of the Notice does not stand proved against the present Board of Directors.

III. Charges under 5(a) (iii) and 5(c) (i) and (ii):— Overdues. —

32. The overdues of the Bank which stood at Rs. 185.69 lakhs as on 30-6-80 increased to Rs. 274.00 lakhs as on 30-6-81 and have further increased to Rs. 534.00 lakhs as on 30-6-82 and to Rs. 743.97 lakhs as on 30-6-83. Despite the fact that huge amounts of loans had fallen overdue, the Board failed to take prompt and effective action against the defaulters, thereby resulting in the funds of the Bank remaining blocked with the loanes, for a period over and above the permissible limit of six months.

33. In this regard, it was contended by the Chairman in his written reply dated 1-3-84 that the main reason for the alarming increase in the overdue from Rs. 274.00 lakhs as on 30-6-81 to Rs. 554.00 lakhs as on 30-6-82 and Rs. 743.90 lakhs as on 30-6-83 is the serious economic recession prevailing in this Territory since 1981 in the Mining Sector and Fisheries. The Chairman, further stated that cases referred to the Department for execution as far back as in 1971 have not been acted upon and that in one of the cases cited in the Notice dated 17-2-84, i. e. the case of Smt. Sharad Panvelcar and Messrs Anant Rubbers, the Bank has been requested to defer the recovery proceedings as the said firm has been declared as a "sick unit" as per the decision of the State Level Advisory Committee for Nursing Sick Units. The Chairman further contended that some employees who happen to be Govt. Officers do not comply with the mandatory provisions of Section 49 of the Coop. Societies Act and as a result the overdues under this class of salaried employees included in Rs. 743.00 lakhs have gone to the tune of Rs. 213.62 lakhs.

34. Regarding the charge under para 5(c) (ii), the Chairman contended that it is not true to say that the decision to file arbitration cases, which were long overdue has been taken only after 30-6-83. He further stated that the Board of Directors have never in the past received any instructions from the Department directing the Board/Bank to file arbitration cases where instalments for over six months have fallen due for payment. He further clarified that the decision to file arbitration cases in as many as 4931 cases involving overdues of Rs. 4,56,46,451 was taken by the present Board (Executive Committee) before 30-6-83.

35. In this context Shri Raghuraj Tamba stated that the officer of the Recovery Cell has not been given adequate staff besides verbally being instructed not to act for recovery. Shri Tamba further stated that if the increase in the overdues is due to recession in the mining industry as has been alleged then the other banks such as Mapusa Urban Coop. Bank also would have been affected which in fact is not the case as is evident from the working results of the Mapusa Urban Coop. Bank reported by Shri Tamba to be as under:

(Rs. in thousands)

Year	Deposits	Advances	Working Capital	Profits
1979	33392.6	19908.10	32423.7	614.9
1981	41799.0	31453.3	51089.5	1170.3
1983	68388.3	52157.4	82059.9	2046.5

Shri Tamba, further stated that the overdues with the salaried borrowers increased because these employees were sanctioned loans without verifying their repaying capacity with the ulterior motives.

36. Shri Lavoo R. Naik in his reply dated 2-3-84 to the Show Cause Notice has stated that there was a constant demand from him as well as from the other Directors to form internal audit cell and recovery cell to recover the dues of the Bank but the same has not been done and consequently the overdues of the Bank increased day-by-day. He further stated that the overdues of the Bank have increased due to the failure of the Chairman and Executive Committee to take immediate action for the recovery of the dues as also due to the non-forming of the Recovery Cell. He also claimed that due to his persistent efforts as well as of other Directors, about 7000 cases have been filed against the defaulters. He further emphasized that had the Recovery Cell been formed at the proper time, the overdue position would have been much less.

37. In this connection, it may be pointed out that the percentage of overdues of the Bank to the total outstanding stands as on 30-6-83 at an alarming level of 40% while the all India permissible limit for a healthy Urban Coop. Bank is 10%. In this connection, it may be pointed out that the overdue position of the Mapusa Urban Coop. Bank in this Union Territory is only 6% as on 30-6-83. All over the country the Urban Coop. Banks have a good record of recovery as they primarily deal with the urban salaried middle class and looking to the good records of recovery registered by similar Banks elsewhere, the performance of the Bank is very unsatisfactory. Further, the very fact that the Bank had to refer as many as 7000 cases within a short span to the Department of Cooperation for coercive recovery shows that there is something fundamentally wrong with the functioning of the Bank. No other Bank in this Territory has referred so many cases to the Department. Perhaps no Urban Coop. Bank in the country might have referred so many cases for coercive recovery within such a short period.

38. With regard to the contention of the Chairman that the overdues have increased due to the recession in the Mining Industry, it may be mentioned that it is not the case that all the overdues of the Bank as on 30-6-83 which stood at Rs. 743-00 lakhs, relate to loans advanced for Mining and Fisheries. Assuming that the loans have fallen overdue due to the recession in the Mining Industry, the same would constitute not more than 5 percent of the total overdues. This still leaves a balance of 35 percent of the overdues, which itself is highly unjustifiable.

39. With regard to the contention of the Chairman that the Bank has never in the past received instructions from the Department directing the Bank to file arbitration cases, it may be stated that the bye-law No. 63 of the bye-laws of the Banks casts a duty on the Board to enquire into and take action in cases of arrears. Therefore, when the Board of Directors are duty-bound as per the bye-laws to take prompt action in all cases of overdues no instructions from the Department were necessary. In fact, as has been rightly contended by Shri Lavoo R. Naik, steps ought to have been taken for strengthening the Recovery Cell, for taking action for recovery of the overdues by persuasive means. However, it is observed that no action for strengthening the Recovery Cell, has been taken which only shows complacent attitude of the members of the Board to the mounting overdues; on the contrary, the Board preferred to grant liberal extension in the repayment of loans in a facile and routine manner rather than taking action to check and arrest the overdues. The heavy concentration of powers in the Chairman has greatly contributed to this state of affairs. This position is amply evident from the fact that the Chairman in the meeting of the Review Committee appointed for the implementation of the Rehabilitation Programme of the Bank held on 7-12-83 stated that since inception of the Bank till January, 1983, the number of cases referred for arbitration was very small viz., 1041 and that till then it was the policy of the Management of the Bank to grant extension to borrowers where advance was considered as secured and safe.

40. From the foregoing, it is proved that the Board of Directors did not take any action for constituting or strengthening the Recovery Cell for effecting recoveries through persuasive means and ensuring prompt recovery of the loans. In fact, it was incumbent on the Board of Directors to constitute such a Cell for ensuring regular and prompt recovery of the loans so advanced as arbitration cases against the defaulters for recovery of the overdues is to be resorted to only when all persuasive means to recover the loans fail

and as a matter of "last resort". I therefore hold the charges under para 5(a)(iii), 5(c)(i) and (ii) as proved against the present Board of Directors.

IV. Charge under 5(d):—Concentration of advances for consumption/unproductive purposes:—

41. In this behalf it was contended by the Chairman that the Reserve Bank of India has never issued any directives in the past in this regard and that for the first time the Reserve Bank of India issued instructions by their letter No. DBOD.UBD.P&C.197/UBD.17(B)-83-84 dated 9-9-83 enjoining upon the Urban Coop. Banks to comply with the guidelines in respect of lending to the priority sectors. In view of the clarification given by the Chairman I hold that the charge indicated under para 5(d) as not proved against the present Board of Directors and hence dropped.

V. Charge under 5(e):—Loans for repayment of dues to other Financing Institutions:—

42. With regard to this charge it has been contended by the Chairman as well as S/Shri Bernardino Luis D'Souza, Narain R. Bandekar, Devidas P. S. Churchorkar, Dr. Anil N. N. Gaunekar, Mahesh M. Rau, and Pushpasheel K. Kerkar, that is a normal banking practice to take over feasible proposals from other financial institutions in cases where the party chooses to replace his banker due to better rate of interest or satisfaction of service at the earlier institution. It was further pointed out by the Chairman that the instances cited under this charge do not pertain to the present Board. The position as has been verified and found correct. Hence, the charge as indicated under para 5(e) is not proved and is therefore dropped.

VI. Charge under 5(f):—Renewal of Cash, Credit Limits in respect of unsatisfactory accounts:—

43. In this regard, it was contended that the Cash Credit Limits have been and are being renewed only in deserving cases and strictly on merits after considering various factors including operations in the accounts. As regards the instances cited under this charge, it was pointed out that except in the case of Messrs. Drogaria Salcete, Vinayak D. Chodankar, where the renewals were permitted after taking into consideration the period of operation of these accounts and the financial standing, the remaining instances of Cash Credit limits were sanctioned and the renewals permitted by the previous Board of Directors. As regards the M. S. Talaulikar & Sons, it was clarified that the said firm was granted a term loan by the previous Board and not a cash credit as mentioned in the Notice dated 17-2-84. In view of the clarification given by the Chairman as well as S/Shri Bernardino Luis D'Souza, Narain R. Bandekar, Mahesh M. Rau, Dr. Anil N. N. Gaunekar, Devidas P. S. Churchorkar and Pushpasheel K. Kerkar, I hold this charge as not proved and is therefore dropped.

VII. Charges under 5(g) (i) (ii) and (iii):—Deficiencies in loans and advances:—

44. With regard to point (i) of the charge, it has been contended that in each and every case when loans are disbursed against hypothecation of goods, a hypothecation deed is executed by the borrower. It has been further stated that Clause No. 1 and 17 of the Hypothecation Deed requires the borrower to declare that the goods hypothecated belonged to them and that invariably valuation of goods accepted as security are reviewed periodically on the basis of cost or market value whichever is less and are checked with purchase invoices. With regard to the instances cited under point (ii) of the charge, it was contended by the Chairman that the loans in all the five cases as mentioned in the Notice under this charge were sanctioned by the previous Board of Directors and not the present Board. With regard to the instances of loans cited under point (iii) of the charge, it has been contended by the Chairman that all the five loans against sureties as mentioned in the Notice were not sanctioned by the present Board. As regards the point (iv) of the charge, the Chairman contended that all the instances of loans as mentioned thereunder have been sanctioned by the previous Boards of Directors and not by the present Board. On verification, the contentions of the Chairman were found to be correct and hence the charge as contained under paras 5(g) (i) (ii) (iii) and (iv) does not stand proved against the present Board and is therefore, dropped.

45. To sum up I hold that out of seven major charges framed against the present Board only two charges under paras 5(a), 5(c) stand proved, whereas five charges under paras 5(b), 5(d), 5(e), 5(f) and 5(g) do not stand proved.

46. At the time of the hearing held on 9-3-1984 it was contended by Adv. J. E. Coelho Pereira, on behalf of S/Shri Bernardino Luis D'Souza, Narain R. Bandekar, Dr. Anil N. N. Gaunekar, Devidas P. S. Curchorkar, Mahesh M. Rau and Pushpasheel K. Kerkar that the instances cited in the notice dated 17-2-1984 could not be the basis for action under Section 78 of the Coop. Societies Act since all the instances cited in the aforesaid notice pertain to the past Board of Directors. He further contended that though certain instances cited in the notice are valid and relate to the tenure of the existing Board, it was necessary on the part of the authority concerned to verify the facts and satisfy itself about the existence of any irregularities as may have been pointed out in the inspection report of the Reserve Bank of India, which forms the basis of the notice. In this connection, it may be clarified that both the proved charges outlined above clearly relate to the present Board of Directors and are of very serious nature.

47. The Chairman contended in his reply dated 1-3-1984 that the present Board adopted recovery proceedings against defaulters without fear or favour even against Minister for Cooperation, the Minister of Industries, the Chairman of Housing Board, Chairman of Tourism Development Corporation, Mr. Dilkush Desai, M.L.A., all the above M.L.A.'s being of ruling Congress I Party and even officers of the Department of Cooperation, for recovery of overdues. He further contended that these actions have been disliked and that is one of the main reason why the Show Cause Notice is issued. In this context, it may be stated that there is absolutely no bias in the issuance of the Notice under reference and that there are sufficient grounds as mentioned above for initiating action under Section 78 of the Act.

48. Shri Madhav Bir in his reply dated 2-3-1984 made a point that he was not a party to the concentration of powers in the hands of the Chairman as he and three other Directors were opposed to the said Resolution at the very inception itself. Thereafter he and Shri Raghurai R. Tamba were continuously making efforts to control and put an end to concentration of powers in the hands of the Chairman so that the Bank's working could be effectively conducted, according to the Bye-laws, Act and the Rules. However, as the Board itself was reduced to the position of non-entity and was unable to prevent the misuse. He has further stated that all the irregularities noticed in the functioning of the Bank are clearly attributable to the Chairman and the Executive Committee and that he cannot be held responsible for the same. He, therefore, desired that only those Directors who are guilty of the charges should be removed from the Board and that the Notice should be discharged as far as he is concerned. In this connection, it may be mentioned that although Shri Bir is not responsible for the acts and irregularities as mentioned in the Show Cause Notice, once the majority members of the Board are removed, the Board can no longer exist or be functional and hence the member or members in minority automatically stand removed.

49. At the time of hearing held on 9-3-84 Adv. J. E. Coelho Pereira argued that since Shri Mahesh M. Rau was co-opted on the Board of Directors only from 21-7-83, he is not a party to the action cited in the notice dated 17-2-84 and that if he is not a party he cannot be removed. So also it was argued that Shri Pushpasheel K. Kerkar being a nominee of the Goa State Coop. Bank Ltd., Panaji, on the Board of Directors of the Goa Urban Coop. Bank, is not an elected member and therefore, his nomination can be revoked only at the instance of the Goa State Coop. Bank Ltd. As regards the contention that Shri Mahesh M. Rau was co-opted to the Board of Directors only from 21-7-83, it may be mentioned that since the entire Board of Directors is superseded, he, being a Director co-opted by them automatically ceases to be a member of the Board which is non-existent. As regards the contention that Shri Pushpasheel K. Kerkar has been nominated can be revoked only by the said Bank, it may be clarified that the Goa State Coop. Bank Ltd., has already concurred with the proposed action of superseding the Board of Directors of the Bank and therefore, the Bank in concurring with the proposed action of supersession has also conveyed its no objection to the removal of its Nominee on the Board of Directors of the Goa Urban Coop. Bank Ltd., Panaji.

50. In view of the above, I am of the view that the present Board of Directors of the Goa Urban Coop. Bank Ltd., has been negligent in the performance of the duties imposed on it by the Act, Rules and its Byelaws and that

it has committed acts prejudicial to the interests of shareholders and depositors of the said Bank, and that the Bank has not been functioning properly under the management and control of the present Board. Therefore, I am satisfied that the continuance of the existing Board of Directors will be detrimental to the interest of the Bank. Therefore, I am of the opinion that the existing Board of Directors of the Bank should be removed and an Administrator be appointed in its place to manage the affairs of the Bank. Hence, I pass the following order:—

ORDER

In exercise of the powers vested in me under sub-section (1) of section 78 of the Maharashtra Coop. Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, read with Sub-Rule (1) of Rule 62 of the Coop. Societies Rules, 1962, I, Shri Jose Philip, Registrar of Coop. Societies, Goa, Daman and Diu, being of the opinion, after giving the Board of Directors of the Goa Urban Coop. Bank Ltd., Panaji and all the Directors an opportunity of stating their objections as to why the Board of Directors of the said Bank should not be removed, that the Board of Directors has been negligent in the performance of duties imposed on it by the aforesaid Act, Rules and the Bye-laws of the said Bank; and has committed acts prejudicial to the interests of the shareholders and depositors of the Bank and that the Bank has not been functioning properly under the management and control of the existing Board and having consulted the federal society namely the Goa State Coop. Bank Ltd., Panaji, to which the said Bank has been affiliated, hereby remove the Board of Directors of the said Bank consisting of the following persons:—

1. Shri Vishnool Anant Naik, Chairman.
2. Shri Bernardino Luis D'Souza, Vice-Chairman.
3. Shri Madhav R. Pai Bir, Director.
4. Dr. Anil N. N. Gaunekar, Director.
5. Shri Raghurai R. Tamba, Director.
6. Shri Mahesh M. Rau, Director.
7. Shri Narain R. Bandekar, Director.
8. Shri Devidas P. S. Curchorkar, Director.
9. Shri Lavoo R. Naik, Director.
10. Shri Pushpasheel K. Kerkar, Director.

Further, in terms of Clause (b) of Sub-Section (1) of Section 78 of the aforesaid Act and Clause (b) of Sub-Rule (1) of Rule 61 of the Coop. Societies Rules, 1962, I hereby appoint Shri V. V. Bhat, Secretary (Revenue) to the Govt. of Goa, Daman and Diu as the Administrator of the Goa Urban Coop. Bank Ltd., Panaji, in place of the Board of Directors so removed to manage the affairs of the said Bank, till the new elected Board of Directors take charge.

This order will come into force after two weeks from the date of receipt of the same by the members of Board of Directors so removed.

Sd/-

Jose Philip, Registrar of Coop. Societies.

Panaji, 11th April, 1984.

Revenue Department

Corrigendum

No. 22/183/83-RD

Read: - Notification No. 22/183/83-RD dated 18-1-1984 published on pages 625-626 of the Official Gazette Series II, No. 48 dated 1-3-1984.

In column No. 7 of the Schedule of the above Notification against the Survey No. 195/5, the area of 300.00 sq. mts., may be read as "125.00 sq. mts.". Similarly, the total area may be read as "12025 sq. mts." instead of 12075.00 sq. mts., indicated in the said Notification.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Revenue).

Panaji, 23rd May, 1984.

Notification

No. 22/108/84-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For construction of Buring road in V. P. Bali in Quepem Taluka.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect

under Section 6 of the said Act will be published in the Official Gazette in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Addl. Deputy Collector, South No. II, Collectorate of Goa, Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Addl. Dy. Collector, South No. II, Collectorate of Goa, Panaji.
2. The Collector of Goa, Panaji.
3. The Executive Engineer, Works Division XVIII, P.W.D., Ponda, Goa.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Addl. Deputy Collector, South No. II, Collectorate of Goa, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Salcete	Cuncolim	668	3 part	Joaquim Filipe Soares.	1200.00
				4 part	Kresna Sinai Kenkro.	1200.00
			669	1 part	Balkenii Rebello.	1350.00
				2 part	Phatu Keni.	1750.00
			671	1 part	Kashi Pai Kakode. T: i) Gregorio Fernandes. ii) Nicolau Fernandes. iii) Caetano Fernandes.	100.00
			674	3 part	Kashi Pai Kakode.	300.00
			673	1 part	Kashi Pai Kakode.	150.00
				7 part	Balkani Rebello.	50.00
				2 part	Uttam Ganba Fal Dessai.	200.00
				3 part	1) Yesso Ram Fal Dessai. 2) Jaiwant Ram Fal Dessai. 3) Modu Ram Fal Dessai.	
				4 part	1) Rama Chandra Govind Fal Dessai. 2) Vaikunt Govind Fal Dessai.	100.00
				5 part	1) Yesso Ram Fal Dessai. 2) Jaiwant Ram Fal Dessai. 3) Modu Ram Fal Dessai.	75.00
				34 part	Provisionally Government.	150.00
				38 part	Roquezinho Santriz Martins.	100.00
				15 part	1) Yesso Ram Fal Dessai. 2) Jaiwant Ram Fal Dessai. 3) Modu Ram Fal Dessai.	75.00
				31 part	Government.	25.00
				30 part	Roquezinho Santriz Martins.	40.00
				32 part	1) Yesso Ram Fal Dessai. 2) Jaiwant Ram Fal Dessai. 3) Modu Ram Fal Dessai.	140.00
		Nala				50.00
			672	8 part	1) Hari Pandu Naik Dessai. 2) Bernadin Martins. T: Govind Molu Fal Dessai.	85.00

1	2	3	4	5	6	7
Salcete	Cuncolim	674	4 part	Uttam Ganba Fal Dessai.		125.00
			1 part	1) Yesso Ram Fal Dessai.		75.00
				2) Jaiwant Ram Fal Dessai.		
				3) Modu Ram Fal Dessai.		
			7 part	1) Ramchandra Govind Fal Dessai.		200.00
				2) Govind Ganesh Fal Dessai.		
				3) Volkunt Govind Fal Dessai.		
				4) Datta Govind Fal Dessai.		
			8 part	1) Yesso Ram Fal Dessai.		100.00
				2) Jaiwant Ram Fal Dessai.		
				3) Modu Ram Fal Dessai.		
			5 part	Ram Jaiwant Fal Dessai.		50.00
			1 part	1) Yesso Ram Fal Dessai.		25.00
				2) Jaiwant Ram Fal Dessai.		
				3) Modu Ram Fal Dessai.		
		675	1 part	Valter Coutinho.		150.00
			2 part	Valter Coutinho.		100.
				T: Ganesh Pondu Dessai.		
			9 part	Government.		25.00
			10 part	Ganesh Govind Fal Dessai.		40.00
			6 part	Ganesh Govind Fal Dessai.		25.00
	Nala	—	—	—		50.00
	676	2 part	1) Jiu Ram Fal Dessai.			80.00
			2) Ram Krishna Fal Dessai.			
			3) Guno Ram Fal Dessai.			
			<i>Boundaries:</i>			
			North: 668/3, 668/4, 669/1, 669/2, 674/3, 674/4, 674/7, 674/8, 674/5, 674/1, 675/1, 675/2, 675/10, 675/9, 675/6, 675/1, 676/3, Nala.			
			South: 668/3, 668/4, Village Tilai, 669/1, 669/2, 671/1, 674/3, 673/1, 673/2, 673/3, 673/4, 673/5, 673/34, 673/33, 673/15, 673/31, 673/30, 673/32, Nala, 672/8.			
			East: S. No. 675/1, 675/2, 675/9, 675/10, 673/3, 673/4, 673/3, 673/2, 673/7, 673/1, 669/2, 669/1, 668/4, 668/3, 675/6, 675, Nala.			
			West: 668/3, 668/4, Village Tilai, 669/1, 669/2, 674/3, 674/4, 674/1, 674/7, 674/8, 674/5, 673/34, 673/33, 673/15, 673/31, 673/30, 673/32, Nala and 672/8.			
Quepem	Tiloi	6	16 part	Balla Keni.		300.00
				T: Bicaró Narain Naique.		
			15 part	Sadanand Fatarpekar.		50.00
				T: Bicaró Narain Naique.		
			<i>Boundaries:</i>			
			North: Village Cuncolim.			
			South: S. No. 6/16.			
			East: Village Cuncolim.			
			West: S. No. 6/10.			
		8	1 part	Narahan Jaiwant Hornekar.		300.00
				T: Pandari Puto Fotto.		
				North: Road.		
				South: S. No. 8/1.		
				East: Road.		
				West: Village Cuncolim.		
Quepem	Balli	79	3 part	1) Anant Ganesh Fal Dessai.		300.00
				2) Jiu Rama Fal Dessai.		
				3) Govind Molu Fal Dessai.		
				4) Umesh Purshoto Fal Dessai.		
				5) Rama Krishna Fal Dessai.		
				6) Radha Laxman Fal Dessai.		
				7) Venkatesh Ganesh Fal Dessai.		
				North: Village Cuncolim.		
				South: Road.		
				East: S. No. 79/3.		
				West: Road.		
Total						9110.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Revenue).

Panaji, 17th May, 1984.

Notification

No. 22/68/84-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. for construction of road from Molorem to Cobo-de-Rama in Canacona Taluka.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Additional Dy. Collector Goa South Division, Margao to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Additional Dy. Collector, Goa South Division, Margao.
3. The Executive Engineer, Works Division VI (R&B), Fatorda, Margao.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Dy. Collector, Goa South Division, Margao for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Canacona	Cola	326	2 part	1) Hari Laxman Dessai.	200.00
					2) Shridhar Laxman P. Dessai.	
				3 part	1) Minanath Vaikunt Prabhu Dessai.	1050.00
				4 part	1) Jaganath Krishna P. Dessai.	520.00
				5 part	1) Ramchandra Vishwanath P. Dessai.	650.00
			189	1 part	1) Balaji B. Prabhu Dessai.	750.00
				2 part	1) Gurudas Pandhari P. Dessai.	210.00
		Nala			Government.	150.00
			190	1 part	1) Shrirang Padmanabha P. Dessai.	50.00
				2 part	1) Gurudas P. Prabhu Dessai.	150.00
			193	4 part	1) Balaji B. Prabhu Dessai.	50.00
				2 part	1) Balaji B. Prabhu Dessai.	750.00
			195 part	—	1) Jaganath Krishna Prabhu Dessai.	210.00
			325	22 part	1) Balaji Bhagawant P. Dessai.	300.00
				21 part	1) Ramchandra Yeshwant Prabhu Dessai.	800.00
				19 part	1) Venkatesh Anant P. Dessai.	2000.00
				18 part	1) Jaganath Krishna P. Dessai.	550.00
				17 part	1) Ramchandra Vishwanath P. Dessai.	850.00
				16 part	1) Laxman V. Prabhu Dessai.	400.00
				15 part	1) Antu Rama Naik.	100.00
				14 part	1) Purushattam Rama Naik.	100.00
				13 part	1) Tulsidas Sanu Naik.	100.00
					2) Shanta Sanu Naik.	
					3) Kanta Sanu Naik.	
					4) Gopinath Sanu Naik.	
					5) Devippra Sanu Naik.	
					6) Pandarinath Sanu Naik.	
					7) Mangesh Sanu Naik.	
				12 part	1) Udyakumar Shrirang P. Dessai.	450.00
				11 part	1) Mukund Vaikunt P. Dessai.	200.00
				10 part	1) Shekar Shrirang P. Dessai.	1100.00
				9 part	1) Prakash S. Prabhu Dessai.	2100.00
				5 part	1) Anacleto Arcanjo Fernades.	610.00
			321 part	—	1) Vaman Vithal P. Dessai.	1700.00
					2) Laxman Vithal P. Dessai.	
			320 part	—	1) Comunidade of Cola.	1300.00
			319 part	—	1) Pandarinath Vankatesh P. Dessai.	2200.00
			318 part	—	Comunidade of Cola.	550.00
			196	1 part	1) Comunidade of Cola.	600.00
				2 part	1) Bommi Panlo Zaruwankar.	550.00
					2) Jonolu Panglo Zavawankar.	
					3) Narayan Panglo Zarawankar.	
			317	44 part	1) Komu Poru Valz.	50.00
				35 part	1) Pauto Bamoto Valkar.	175.00
				33 part	1) Bhrua Kusdo Tolpikar.	75.00

1	2	3	4	5	6	7
Canacona	Cola	317	31 part	1) Kamu Pauto Vaiz.		100.00
			30 part	1) Pauto Mamoto Valkar.		75.00
			29 part	1) Bhikru Uthoba Vaiz.		75.00
			28 part	1) Bhairo Molu Vaiz.		50.00
			9 part	1) Kalu Poru Vaiz.		25.00
			27 part	1) Bhairo Molu Vaiz.		10.00
			6 part	1) Pauto Bomoto Valkar.		250.00
		311	11 part	1) Laxman Jinu Zarankar.		700.00
				2) Bombi Jinu Zarankar.		
				3) Kuitro Jinu Zarankar.		
				4) Rama Thulo Zarankar.		
				5) Santu Babi Zarankar.		
				6) Uoddo Bhuto Zarankar.		
				7) Govind Fonchdo Zarankar.		
			5 part	1) Ganesh Santu Zarankar.		800.00
				2) Pauto Zorgo Zarankar.		
				3) Tonu Babi Zarankar.		
				4) Sita Bhiku Zarankar.		
				5) Rama Zorgo Zarankar.		
				6) Pones Poro Zarankar.		
				7) Bombi Jingu Zarankar.		
				8) Govind Funchdo Zarankar.		
				9) Soklu Thulo Zarankar.		
				10) Pando Zorgo Zarankar.		
				11) Arjun Santu Zarankar.		
				12) Pursso Zargo Zarankar.		
				13) Voddo Bhuto Zarankar.		
			19 part	1) Pauto Zorgo Zarankar.		200.00
				2) Saklu Thulo Zarankar.		
			12 part	1) Tonu Babi Zarankar.		75.00
			23 part	1) Govind Fonchdo Zarankar.		160.00
			1 part	1) Comunidade of Cola.		250.00
		232	28 part	1) Gaddu Photchdo Ditonkar.		175.00
				2) Purso Ram Ditonkar.		
			27 part	1) Saklu Thulo Zarankar.		50.00
				2) Vhoddo Bhuto Zarankar.		
				3) Punos Poro Zarankar.		
			24 part	1) Govt. of Goa, Daman & Diu.		100.00
			22 part	1) Rama Thulo Zarankar.		50.00
			18 part	1) Comunidade of Cola.		550.00
			7 part	1) Govind Fosado Zarankar.		325.00
		222	1 part	1) Ganesh Santu Zarawankar.		1150.00
				2) Paunto Zurgao Zarawankar.		
				3) Janu Babi Zarawankar.		
				4) Sita Bhiku Zarawankar.		
				5) Ram Zargo Zarawankar.		
				6) Punu Poro Zarawankar.		
				7) Punu Poro Zarawankar.		
				8) Bombi Tingu Zarawankar.		
				9) Govind Pusado Zarawankar.		
				10) Sanklu Thulo Zarawankar.		
				11) Panglo Zorgo Zarawankar.		
				12) Arjun Satu Zarawankar.		
				13) Purso Zorgo Zarawankar.		
				14) Oddo Bhutto Zarawankar.		
			2 part	1) Laximan Jingu Zarawankar.		725.00
				2) Bombi Jingu Zarawankar.		
				3) Kairo Jingu Zarawankar.		
				4) Ram Thulo Zarawankar.		
				5) Santu Babi Zarawankar.		
				6) Uhoddo Bhito Zarawankar.		
				7) Janu Babi Zarawankar.		
				8) Govind Phautochdo Zarawankar.		
		232	56 part	1) Sankalu Thulo Zarawankar.		575.00
				2) Uhadde Bhato Zarawankar.		
				3) Panu Puro Zarawankar.		
				4) Shanu Zorgo Zarawankar.		
				5) Panglo Zorgo Zarawankar.		
				6) Ram Zorgo Zarawankar.		
				7) Pauto Zorgo Zarawankar.		
		233	1 part	1) Gadu Fasado Zitonkar.		825.00
			2 part	1) Fasado Loso Zitonkar.		400.00
		273	21 part	1) Fochodo Lasso Zitonkar.		300.00
			19 part	1) Visitasao Licado Fernandes.		500.00
				2) Francisco Xavier Fernandes.		
				T: Zoulo Panglo Zarawankar.		
			2 part	Government of Goa, Daman & Diu.		125.00
		234	1 part	1) Comunidade of Cola.		2000.00
				2) Zawalo Panglo Zarawankar.		
				3) Shakhalu Thulo Zarawankar.		
				4) Pauto Zorgo Zarawankar.		

1	2	3	4	5	6	7
Canacona	Cola	272	1 part	1) Comunidade of Cola.		2200.00
		235	1 part	1) Babi Shanu Velip.		650.00
				2) Budu Dulo Velip.		
				3) Bomo Bhiku Velip.		
				4) Molu Gurguro Velip.		
				5) Manju Shaba Velip.		
				6) Pautu Muknud Velip.		
				7) Babu Apa Velip.		
				8) Kusado Gopal Velip.		
				9) Bhato Bhikan Velip.		
				10) Balsu Ram Velip.		
			11 part	1) Shamba Narayan Velip.		50.00
			12 part	1) Bhisso Shabato Velip.		50.00
			13 part	1) Kusudo Gopal Velip.		60.00
			14 part	1) Babu Appa Velip.		75.00
			15 part	1) Ginghu Laxman Velip.		50.00
			16 part	1) Buddo Dulo Velip.		50.00
			17 part	1) Babi Shanu Velip.		50.00
				2) Budhu Dulo Velip.		
				3) Bomo Bhikan Velip.		
				4) Molu Gurguro Velip.		
				5) Manji Shaba Velip.		
				6) Putu Mukund Velip.		
				7) Babu Apa Velip.		
				8) Kusodo Gopal Velip.		
				9) Satto Bhikan Velip.		
				10) Babu Ram Velip.		
			18 part	1) Sakhulu Arjun Velip.		100.00
			19 part	1) Balsu Ram Velip.		75.00
			20 part	1) Bhiku Butto Velip.		75.00
			24 part	1) Babu Appa Velip.		100.00
			25 part	1) Shiva Gopu Velip.		75.00
			26 part	1) Kusta Dhulo Velip.		75.00
			30 part	1) Babi Shanu Velip.		75.00
			31 part	1) Thulo Nanu Velip.		100.00
			32 part	1) Molu Gurguro Velip.		75.00
			33 part	1) Gihu Zawlo Velip.		75.00
			34 part	1) Fondu Zargo Velip.		75.00
			41 part	1) Shambu Manju Velip.		65.00
			42 part	1) Putu Mukund Velip.		50.00
			47 part	1) Basu Ram Velip.		50.00
			49 part	1) Bhiku Bhutto Velip.		50.00
			50 part	1) Sonu Punu Velip.		50.00
			53 part	1) Babu Appa Velip.		50.00
			54 part	1) Molu Gurguro Velip.		50.00
			55 part	1) Shrikant Janu Velip.		50.00
			57 part	1) Janu Kusta Velip.		50.00
			58 part	1) Babi Shanu Velip.		100.00
		236 part	—	1) Marcelina Semedo.		900.00
		237	1 part	1) Comunidade of Cola.		400.00
			2 part	1) Piedade Fernandes.		1700.00
			3 part	1) Government of Goa, Daman & Diu.		75.00
			6 part	1) Antonio Jose Fernandes.		200.00
		268	1 part	1) Babi Shanu Velip.		700.00
				2) Babu Dulo Velip.		
				3) Bombo Bhikan Velip.		
				4) Molu Gurguro Velip.		
				5) Manju Shaba Velip.		
				6) Puttu Mukund Velip.		
				7) Babu Appa Velip.		
				8) Kussado Gopal Velip.		
				9) Butto Bhikan Velip.		
				10) Balsu Ram Velip.		
				11) Uttam Bhikaro Velip.		
			2 part	1) Babu Appa Velip.		75.00
			3 part	1) Shiva Gopal Velip.		75.00
			4 part	1) Kusta Dhulo Velip.		75.00
			5 part	1) Dutta Arjun Velip.		50.00
			6 part	1) Thulo Nanu Velip.		50.00
			7 part	1) Molu Gurguro Velip.		50.00
			8 part	1) Jihu Zanalalo Velip.		50.00
			9 part	1) Pandu Zorgo Velip.		75.00
			10 part	1) Shambu Manju Velip.		50.00
			12 part	1) Puttu Mukund Velip.		50.00
			13 part	1) Balsu Ram Velip.		50.00
			14 part	1) Bhikan Butto Velip.		50.00
			15 part	1) Sonu Rama Velip.		50.00
			16 part	1) Babu Appa Velip.		50.00
			17 part	1) Molu Gurguro Velip.		50.00
			18 part	1) Shrikant Janu Velip.		50.00
			19 part	1) Gano Kusta Velip.		75.00
			20 part	1) Babi Shanu Velip.		100.00

1	2	3	4	5	6	7
Canacona	Cola	267	13 part	1) Narceling Fernandes.		900.00
		266	4 part	1) Antinio Angastinho Fernandes.		400.00
			16 part	1) Piedade Fernandes.		200.00
		265	1 part	1) Government of Goa, Daman & Diu.		100.00
		265	11 part	1) Inacina Fernandes.		25.00
			10 part	1) Antonio Agustinho Fernandes.		35.00
			9 part	1) Joaquim Jorinho Fernandes.		40.00
			18 part	1) Fubrica Dest Antony Cruz.		100.00
			17 part	1) Govt. of Goa, Daman & Diu.		35.00
			16 part	1) Teodojio Fernandes.		110.00
			15 part	1) Antonio Visitusao Fernandes.		150.00
			8 part	1) Antonio Fernandes.		30.00
			19 part	1) Govt. of Goa, Daman & Diu.		25.00
			14 part	1) Isabela D'Souza.		100.00
		264	3 part	1) Pedro Pinto.		200.00
			4 part	1) Braz D'Cunha.		50.00
			5 part	1) Govt. of Goa, Daman & Diu.		50.00
		253	6 part	1) Antonio Jose Fernandes.		50.00
			30 part	1) Allelolia Fernandes.		50.00
		255	1 part	1) Jose Fernandes.		450.00
				2) Nicolan Fernandes.		
				3) Allelolia Fernandes.		
				4) Piedade Fernandes.		
				5) Louranco Fernandes.		
				6) Francisco Santuna Fernandes.		
			3 part	1) Maria Ninha Fernandes.		600.00
			5 part	1) Allelolia Fernandes.		60.00
			8 part	1) Antonio Augustino Fernandes.		110.00
			14 part	1) Fabrica de St. Antony Cruz.		50.00
			16 part	1) Inacina Fernandes.		75.00
		257	1 part	1) Florinha Fernandes.		75.00
			2 part	1) Antonio Jose Fernandes.		25.00
			3 part	1) Marcetina Semado.		100.00
			4 part	1) Bosco Fernandes.		75.00
			5 part	1) Inacina Fernandes.		25.00
			6 part	1) Antonio Agustinho Fernandes.		50.00
		258	1 part	1) Govt. of Goa, Daman and Diu.		50.00
			2 part	1) Maria Ninha Catinho.		450.00
Total						46815.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Revenue).

Panaji, 16th April, 1984.

Office of the Collector of Goa

Order

No. 3/19/82-CAB(Bye-Laws)/992

The Lt. Governor of Goa, Daman and Diu under the powers vested in him by Art. 18 of the Devasthan Regulation is pleased to appoint the below named persons on the new special Committee in replacement of present Committee members appointed in 1968, in order to frame the draft bye-laws of Devasthan of Shri Maharudra Hanumun Devasthan of Virlosa, Bardez-Goa, as the Committee appointed earlier failed to submit draft bye-laws to Government in stipulated time.

Effective Members

President: Shri Digambar A. Tari Polekar.
Treasurer: Shri Narayan S. Volvoikar.
Attorney: Shri Dharma Chodankar.
Secretary: Shri Raghunath Fatarpekar.

Substitute Members

President: Shri Chaturdas D. Naik.
Treasurer: Shri Kushta S. Chodankar.
Attorney: Shri Ramesh V. Priolkar.
Secretary: Shri Sivram S. Dhavale.

The above Committee shall submit the draft bye-laws to the Government within a period of six months from the date of publication of this order in the Government Gazette. The procedure laid down in the Art. 17 and 18 of the Devasthan Regulations as amended by the Legislative Diploma

No. 1899 dated 29-5-59 and the Government directions contained in the Revenue Department's letter No. RD/END/116-71, dated 27-7-1971 are to be followed to frame bye-laws.

The above Committee is also entrusted with the Management of the said Devalaya until the bye-laws are approved and published.

J. P. Singh, Collector and Director of Civil Administration.

Panaji, 15th May, 1984.

Public Health Department

Order

No. 5/10/84-PHD

The appointment of Dr. Flavio Furtado to the post of Medical Officer/Rural Medical Officer under the Directorate of Health Services, Panaji made vide Government Order of even number dated 6-4-1984 is hereby cancelled as the candidate has conveyed his inability to join the post immediately.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 19th May, 1984.

Order

No. 5/10/84-PHD

On the recommendation of the Local Selection Committee Dr. Vasco C. Teles, is appointed on ad-hoc basis to the post of Medical Officer/Rural Medical Officer/Jr. School Health Officer under the Directorate of Health Services, Panaji and posted at Primary Health Centre, Aldona as Medical Officer against the vacant post with immediate effect in the scale of Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200 and on the terms and conditions contained in the Government Memorandum of even number dated 9-3-1984.

The above appointment will not bestow on the person a claim for regular appointment and the services rendered on ad-hoc basis in the grade would not count for the purpose of seniority in that grade or eligibility for promotion to the next higher grade.

The doctor has been medically examined and found fit by the Medical Board, Panaji.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 21st May, 1984.

Order

No. 5/97/79-PHD-Jr. Gyn.(ii)

On the recommendation of the Local Selection Committee Dr. Ashok Dhanwani is appointed on ad-hoc basis to the post of Jr. Gynaecologist under the Directorate of Health Services and posted at Cottage Hospital, Marwar, Daman against the vacant post with immediate effect in the scale of Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200 and on the terms and conditions contained in the Government Memorandum of even number dated 11-1-1984. Dr. Ashok Dhanwani should report to his place of posting immediately.

The above appointment will not bestow on the person a claim for regular appointment and the services rendered on ad-hoc basis in the grade would not count for the purpose of seniority in that grade or eligibility for promotion to the next higher grade.

The doctor has been medically examined and found fit by the Medical Board, Civil Hospital, Ahmedabad.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 23rd May, 1984.

Industries and Labour Department

Notification

No. 28/11/79-ILD-Part-II

Whereas the Government of Goa, Daman and Diu is satisfied that the public interest requires that the services in the Flour Milling Industries (hereinafter called as the 'said service') should be declared as a public utility service for the purposes of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the said Act, the Lieutenant Governor of Goa, Daman and Diu hereby declares the said service to be a public utility service for the purposes of the said Act for a period of six months from the date of publication of this notification in the Official Gazette.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Industries and Labour).

Panaji, 23rd May, 1984.

Order

No. 28/2/79-ILD

The following Awards given by the Industrial Tribunal, Goa, Daman and Diu are hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 27th April, 1984.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/51/82

1. Shri Anthony D'Souza. — Workman/Party I

V/s.

1. M/s. Gomantak (Drums). — Employer/Party II Industries.

Workman/Party I represented by Shri George Vaz, Union Leader.

Employer/Party II represented by Shri P. K. Lele, Labour Advisor.

Panaji, Dated: 9-4-1984.

AWARD

This is a reference made to this Tribunal by the Govt. of Goa, Daman & Diu, by its Order No. 28/28/82-ILD dated 27th September, 1982. The schedule annexed to the Order of Reference reads as follows:

"Whether the action of the Management of M/s. Gomantak (Drums) Industries, Corlim, Ilhas-Goa, in terminating the services of Shri Anthony D'Souza, Turner with effect from 25-11-1980 is legal and justified?"

If not, to what relief the workman is entitled to?"

2. The workman in his statement of claim, has stated that he worked for the employer as Turner for 3 years prior to his termination and was efficient in his work. His monthly wages were Rs. 875/-. His termination was without any cause and not preceded by any charge sheet or any inquiry. It is illegal, null and void and, hence, he is entitled to be reinstated in services with full back wages from the date of his termination. He is entitled to receive wages as from 25-8-1980 to date of reinstatement.

3. The employer, in its written statement, has stated as follows:

The workman, who had also an interest in his family occupation, was rather irregular in attending his duties. He would remain absent whenever his family occupation required his presence. The employer tolerated such frequent absences of the workman, although they would adversely affect the production schedule. When the workman, after attending duty on 22-11-1980 remained absent the employer was patiently waiting for him to return back for work, as he had done in the past. Whenever he used to report for work, he gave excellent production and do all round work. The employer, therefore, had full faith in his capacity as skilled worker and tolerated his frequent absence from duty. However, to his surprise, on 12-1-1981 he received one unsigned letter from the workman making baseless allegations against him, stating that the employer had asked him not to report for duties etc. As this letter was not signed, it was not replied to by the employer. In the meantime, the employer received a notice from the Asstt. Labour Commissioner, where conciliation proceedings were taken up and resulted in failure. It is submitted that, as the employer has not resorted to the action of termination of the workman's services, it will be futile to decide whether the alleged action of termination is legal and justified as mentioned in the Order of Reference. Presuming, without admitting, that it is the employer who has terminated the services of the workman, the employer will have to prove long absence on the part of the workman without leave and/or prior intimation with effect from 24-11-1981; habitual absence without leave or prior intimation during the course of services; and caused losses to the employer by virtue of irresponsible act of habitual

absence without leave or prior intimation, which were the grounds for the alleged termination. The correct date of termination is 25-11-1980, as mentioned in the schedule of the Order of Reference. It is prayed that the Tribunal should decide that the employer did not terminate the services of the workman but the workman himself voluntarily terminated the contract of services by remaining absent without leave w.e.f. 24-11-1980.

4. The workman filed his rejoinder maintaining the stand he had taken in his statement of claim.

5. The following issues were framed by the Tribunal:

"1. Whether the workman/Party I proves that, due to the termination of his services, he was suddenly rendered unemployed and was made to suffer many hardships?

2. Whether the employer proves that the workman was rather irregular in attending duties?

3. Whether the employer proves that the unsigned letter received by him on 12-1-1981 is of the workman/Party I?

4. Whether the employer proves that it is the workman who had abandoned his services by remaining absent and not the employer who has terminated his services?

5. Whether the employer proves that the workman, by habitually remaining absent without leave or prior intimation, was causing losses to the Employer?"

6. When the evidence of the employer was going on, the parties approached the court with an application signed by both of them stating that they had arrived at an amicable settlement, the terms of which were also filed.

7. The terms of settlement are as follows:

"a) The employer M/s. Gomantak (Drums) Industries will pay a sum of Rs. 1,700/- (Rupees One Thousand Seven Hundred only) to the workman Shri Anthony D'Souza, on the date of this Settlement, as full and final settlement of claims arising out of present reference.

b) The employer, Gomantak (Drums) Industries agree to give Service Certificate to the workman for having rendered them services from 1-4-1978 to 22-11-1980.

c) The workman, Anthony D'Souza in consideration of the fact that he is being paid the aforesaid amount, states that he has no other claim whatsoever against the employer, M/s. Gomantak (Drums) Industries in respect of his employment with them and also in respect of the subject matter of the present reference before the Industrial Tribunal.

d) The dispute is settled in terms of paragraphs (a) to (c) above."

8. I have carefully considered the said terms of settlement and I am satisfied that they are just and fair to both the parties; hence, I accept them and pass the following Order:

ORDER

Consent Award in terms of the said settlement is hereby made and the reference is disposed off accordingly. No Order as to costs.

Dr. Renato de Noronha
Presiding Officer
Industrial Tribunal

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN & DIU, PANAJI-GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/11/82

1. Shri Baburaj B. Chodankar — Workman/Party I
V/s.

1. M/s. Photophone Limited — Employer/Party II
Workman/Party I represented by S. R. Pednekar, Union Leader.

Employer/Party II represented by Shri Ramesh Desai,
Labour Advisor.

Panaji. Dated: 28-3-1984

AWARD

This is a reference made to this Tribunal by the Govt. of Goa, Daman and Diu by its Order No. 28/19/81-ILD dated 10-2-82. The schedule annexed to the Order of Reference reads as follows:

"A) Whether the action of the management of M/s. Photophone Limited, Mapusa, Bardez, Goa, in not counting the services of Shri Baburaj B. Chodankar with effect from 23-5-79 for completion of probation period is justified.

B) If not, whether the action of the employer in terminating the services of Shri Baburaj B. Chodankar with effect from 30-9-1980 is justified;

C) If answers to (A) and (B) are in the negative, to what relief Shri Baburaj is entitled to."

2. It is the case of the workman/Party I, as per his statement of claim, that he was employed by the employer/Party II as helper on 23-5-1979, on daily wages at Rs. 5/- per day. After having worked as a helper, on daily wages, for 9 months, the company issued him a letter of appointment dated 25-2-1980, offering him the grade of Rs. 60-3-75-4-95-5-120 with D.A. On 30-8-1980, again a letter extending probation service was issued to him. Finally, on 30-9-1980, his services were terminated, the reason given being that, during the probation period of 7 months and 5 days, the services of the workman were not found satisfactory. It is submitted that the termination of the services of the workman is illegal, malafide, false and unjustified, amounting to unfair labour practice and denial of natural justice. The workman has served the company for more than 16 months, continuously, as a helper, having always rendered very good service. After having worked for 6 months, as daily waged worker, to the satisfaction of his superiors, he was issued the letter of appointment; as he had already worked for the period of 9 months, as helper, in the company; to make him a probationer in the same type of unskilled work is out of question and unwarranted. Probation is a period of only 3 months and not more than that and to those who are appointed afresh in the employment whose work performance is not known to the Management but not otherwise. The provision laid down in 25F of the Act, being contravened while terminating the services of the workman, it is prayed that he be reinstated in services with full back wages and continuity of services.

3. The employer, in its written statement, submits as follows:

The workman was appointed, on probation, from 1-3-1980 and since his performance had not attained the required standard, his probation period was extended so as to give him an opportunity to reach up to the required standard. The company, however, noticed that the services rendered by the workman were not satisfactory and so terminated them on 30-9-1980.

It is submitted that the satisfaction of the services of a probationer and his suitability for the job are fields entirely left to the Management in the case of a probationer and the interference by courts in such action should be avoided unless it is proved that the action of the Management amounted to victimization. At the time of termination, the workman was paid his notice pay and compensation, as required by law, even taking into consideration the casual employment the workman had put in prior to his appointment as probationer. Hence, no malafide can be attributed to the Management's action. It is prayed that the termination of the services of the workman be held as legal, proper, justified and bonafide.

4. As there were no other issues to be framed beyond those involved in the Order of Reference, both the parties filed their lists of evidence and, thereafter, led their evidence. The employer's rep. led the evidence of Damodar Bhat, Bidikar, J. Narayan, Prabhu Gaude and Chandrasah Revonkar. The workman's rep. examined only the workman and both the parties advanced their arguments. Now, the matter is before me for passing the Award.

5. From the evidence led by the parties and exhibits produced, the following facts can be considered as undisputed:

i) The workman was appointed as helper, on probation, by letter dated 25-2-1980, the appointment order being effective from 1-3-1980. The probation period was for 6 months, in the first instance, and could be extended; if, at the end of the probation period or any extension thereof, the workman was not confirmed the appointment would stand automatically terminated at the close of 1-9-1980; after successful completion of the probation

period, the workman would be confirmed in writing; during the probation period, the appointment could be terminated without any notice and/or assigning any reason thereof (Vide Exh W-1 and E-4).

ii) After the termination of the probation period on 30-8-1980, it was further extended upto the close of 30-9-1980 by letter dated 30-8-1980 (Exh W-2 and E-5);

iii) The services of the workman were terminated by the employer by letter dated 30-9-1980 and the ground alleged for termination was that his services were not found satisfactory. Alongwith the termination letter, the workman was offered one month's pay in lieu of notice and compensation equivalent to 15 days wages and also earned wages for the month ending 30-9-1980, by demand draft for Rs. 580-85. (Exh W-3 and E-6);

iv) Some complaints in respect of finishing of amplifiers racks and quality control were received at that time.

6. Exh E-3 is the report dated 22-4-1980 made by Shri P. D. Gaude, Quality Control Officer, to Shri J. N. Bidikar Asstt. Manager, Quality Control, complaining of the behaviour of the workman during the shifting of the material from the shed D2/2 to D2/6. Shri Gaude has confirmed this report in his oral evidence before this Court.

7. Exh E-2 is the report dated 18-6-1980 made by Shri C. D. Revonkar, Stores Officer, to the Works Manager, complaining about the behaviour of the workman in the Stores Dept. This report too was confirmed by Shri Revonkar in Open Court.

8. Exh E-1 is the report dated 10-5-1980, made by Shri J. N. Bidikar, Asstt. Manager, Quality Control, to Mr. P. D. Oak, complaining of the carelessness of both the helpers, Gauns and Chodankar, in doing their job of placement of P. C. B. cards in proper places, which placement, if done wrongly, the amplifier will not work at all.

9. Since the workman was, at the time of the termination of his services, within his probation period, the employer was free to terminate his services on the ground that they were not found satisfactory. And the employer is the sole judge in this respect. Only when the action of the employer is challenged in Court, then the court has to see whether the action of the employer is mala fide or amounts to victimization or is an unfair labour practice or so capricious or unreasonable, as could lead to the inference that it has been taken for ulterior motives and is not in bonafide exercise arising out of the contract, as it has been held by the S. C. in the case of Management of Brooke Bond India Pvt. Ltd. V/s. Y. K. Gautam reported in AIR 1973 S. C. page 2634.

10. In the instant case, the workman has stated in his cross that he and Gauns and 2 others were working on the finishing of the amplifier racks and that, whenever the finishing was not properly done, Quality Control dept., used to receive complaints from the customers. This admission by the workman regarding complaints coming at that time corroborates the evidence led by the employer and namely the reports proved. The workman has not alleged anything to doubt the bonafide, action of the Management, while terminating his services.

11. According to the workman, he was appointed as helper, on casual basis, in September 1979 and then as probationer from 1-3-1980. His services were terminated on 30-9-1980, when he was still on probation since, admittedly, he was not confirmed in writing by the Management.

12. In the instant case, the workman's services as casual labourer have nothing to do with his appointment as probationer by letter dated 25-2-1980, (Exh W-1) and so the Management had not to consider such services while considering his probation period referred to in the letter of appointment Exh W-1. However, the Management has considered it for the purpose of paying to the workman the compensation under Section 25F of the Act.

13. The workman has admitted that the entire period of his services including the work put in by him as casual labourer is 395 days. He was paid Rs. 580/85 at the time of termination of services, which is one month's notice pay, compensation of 15 days wages and his pay of September 1980 (Exh W-3). This fulfils all the requirements of Section 25F of the Act.

14. In view of the above, I answer to this Reference by passing the following Order:

ORDER

The termination of the services of the workman w.e.f. 30-9-1980 is justified. His services as casual worker were not to be considered by the Management while counting the probation period. However, the employer has considered it for the purpose of payment of retrenchment compensation, which compensation was paid to the workman. No Order as to costs.

Dr. Renato de Noronha
Presiding Officer
Industrial Tribunal

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, PANAJI-GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/5/82

1. Shri Anand A. Gauns — Workman/Party I
V/s
1. M/s. Photophone Limited — Employer/Party II
Workman/Party I represented by Shri S. R. Pednekar, Union Leader.
Employer/Party II represented by Shri R. Desai, Labour Advisor.

Panaji, Dated: 28-3-1984

AWARD

This is a reference made to this Tribunal by the Govt. of Goa, Daman and Diu, by its Order No. 28/17/81-ILD dated 30-1-1982. The schedule annexed to the Order of Reference reads as follows:

"(A) Whether the action of the employer of M/s. Photophone Ltd., Mapusa, Bardez-Goa not counting the services of Shri Anand A. Gauns, with effect from 18-9-1979 for completion of probation period is justified?

B) If not, whether the action of the employer in terminating the services of Shri Anand A. Gauns, with effect from 30-9-80 is justified?

C) If the answers to (A) and (B) are in the negative, to what relief Shri Anand A. Gauns is entitled to?"

2. It is the case of the workman/Party I, as per his statement of claim, that he was employed by the employer/Party II as helper in September 1979, on daily wages at Rs. 5/- per day. After having worked as a helper, on daily wages, for 9 months, the company issued him a letter of appointment dated 25-2-1980, offering him the grade of Rs. 60-3-75-4-95-5-120 with D.A. On 30-8-1980, again a letter extending his probation service was issued to him. Finally, on 30-9-1980, his services were terminated, the reason given being that, during the probation period of 7 months and 5 days, the services of the workman were not found satisfactory. It is submitted that the termination of the services of the workman is illegal, mala fide, false and unjustified, amounting to unfair labour practice and denial of natural justice. The workman has served the company for more than 16 months, continuously, as a helper, having always rendered very good service. After having worked for 6 months, as daily wages worker, to the satisfaction of his superiors, he was issued the letter of appointment; as he had already worked for the period of 9 months, as helper, in the company, to make him a probationer in the same type of unskilled work is out of question and unwarranted. Probation is a period of only 3 months and not more than that; and to those who are appointed a fresh in the employment whose work performance is not known to the Management but not otherwise. The provision laid down in 25F of the Act, being contravened while terminating the services of the workman, it is prayed that he be reinstated in services with full back wages and continuity of services.

3. The employer, in its written statement, submits as follows:

The workman was appointed, on probation, from 1-3-1980 and since his performance had not attained the required standard, his probation period was extended so as to give him an opportunity to reach up to the required standard. The

company, however, noticed that the services rendered by the workman were not satisfactory and so terminated them on 30-9-1980.

It is submitted that the satisfaction of the services of a probationer and his suitability for the job are fields entirely left to the Management in the case of a probationer and the interference by court in such action should be avoided unless it is proved that the action of the Management amounted to victimization. At the time of termination, the workman was paid his notice pay and compensation, as required by law; even taking into consideration the casual employment the workman had put in prior to his appointment as probationer. Hence, no malafide can be attributed to the Management's action. It is prayed that the termination of the services of the workman be held as legal, proper, justified and bonafide.

4. As there were no other issues to be framed, beyond those involved in the Order of Reference, both the parties filed their lists of evidence and, thereafter, led their evidence. The employer's rep. led the evidence of Damodar Bhat, Bidikar, J. Narayan, Prabhu Gaude, and Chandras Rivonkar. The workman's rep. examined only the workman and both the parties advanced their arguments. Now, the matter is before me for passing the Award.

5. From the evidence led by the parties and exhibits produced, the following facts can be considered as undisputed.

i) The workman was appointed as helper, on probation, by letter dated 25-2-1980, the appointment order being effective from 1-3-1980. The probation period was for 6 months, in the first instance, and could be extended; if at the end of the probation period or any extension thereof, the workman was not confirmed, the appointment would stand automatically terminated at the close of 1-9-1980; after successful completion of the probation period, the workman would be confirmed in writing; during the probation period, appointment could be terminated without any notice and/or assigning any reason thereof (Vide Exh W-1 and E-5).

ii) After the termination of the probation period on 30-8-1980, it was further extended upto the close of 30-9-1980 by letter dated 30-8-1980 (Exh W-2 and E-2);

iii) The services of the workman were terminated by the employer by letter dated 30-9-1980 and the ground alleged for termination was that his services were not found satisfactory. Alongwith the termination letter, the workman was offered one month's pay in lieu of notice and compensation equivalent to 15 days wages and also earned wages for the month ending 30-9-80, by demand draft for Rs. 577/20;

iv) The wages of the workman at the time of the termination of services were Rs. 228/- approximately;

v) Some complaints in respect of finishing of amplifiers racks and quality control were received at that time.

6. Exh E-1 is the report dated 28-6-1980 made by Shri P. D. Gaude, Quality Control Officer, to Shri J. N. Bidikar, Asstt. Manager, Quality Control, complaining of the negligence and carelessness of the workman in doing his work. Shri Gaude has confirmed this report in his oral evidence before this court and stated that the workman was orally warned by him for such carelessness.

7. Exh E-3 is the report dated 13-8-1980 made by Shri C. D. Revonkar, Stores Officer, to the Manager, complaining about wrong information given by the workman to the Officer in respect of actual facts that had taken place in the Stores Dept.. This report too was confirmed by Shri Revonkar in Open Court.

8. Exh E-4 is the report dated 12-9-1980, made by Shri J. N. Bidikar, Asstt. Manager Quality Control, to Mr. P. D. Oak, complaining of the carelessness of both the helpers, Gauns and Chodankar, in doing their job, which carelessness, although did not affect the performance of the products, did affect their appearance. It is further stated that, in the month of May, similar complaints were received and brought to the notice of the Management. Shri Bidikar, in his statement before the Court, has confirmed this report and added that complaints in respect of Amplifier racks were on the increase on those days and that the above two

workers were looking after the job of finishing the racks of the amplifier system.

9. Since the workman was, at the time of the termination of his services, within his probation period, the employer was free to terminate his services on the ground that they were not found satisfactory. And the employer is the sole judge in this respect. Only when the action of the employer is challenged in court, then the court has to see whether the action of the employer is malafide or amounts to victimization or is an unfair labour practice or so capricious or unreasonable as could lead to the inference that it has been taken for ulterior motives and is not in bonafide exercise arising out of the contract, as it has been held by the S. C. in the case of Management of Brooke Bond India Pvt. Ltd. V/s. Y. K. Gautam reported in AIR 1973 S. C. page 2634.

10. In the instant case, the workman has admitted as correct the suggestion put to him in cross examination that, when he was on duty, there were certain complaints in respect of the finish of Amplifier Racks and Quality Control drawing his attention to the fact, adding that the finishing was not done by him only but by others also. This admission by the workman regarding complaints coming at that time corroborates the evidence led by the employer and, namely, the reports proved. The workman has not alleged anything to doubt the bonafide action of the Management, while terminating his services.

11. According to the workman, he was appointed as helper, on casual basis, in September 1979 and then as probationer from 1-3-1980. His services were terminated on 30-9-1980, when he was still on probation since, admittedly, he was not confirmed in writing by the Management.

12. In the instant case, the workman's services as casual labourer have nothing to do with his appointment as probationer by letter dated 25-2-1980 (Exh W-1) and so the Management had not to consider such services while considering his probation period referred to in the letter of appointment Exh W-1. However, the Management has considered it for the purpose of paying to the workman the compensation under Section 25F of the Act.

13. The entire period of services of the workman including the work put in by him as casual labourer is about 13 months. He was offered payment, at the time of termination of services, one month's notice pay, compensation of 15 days wages and his pay of September 1980 (Vide Exh E-9 colly.). This fulfils all the requirements of Section 25F of the Act.

14. In view of the above, I answer to this reference by passing the following Order:

ORDER

The termination of the services of the workman w.e.f. 30-9-80 is justified. His services as casual worker were not to be considered by the Management while counting the probation period. However, the employer has considered it for the purpose of the payment of retrenchment compensation, which compensation was offered to the workman, although not accepted by him. Now, he may collect his dues from the employer within 60 days. No Order as to costs.

Dr. Renato de Noronha
Presiding Officer
Industrial Tribunal

Corrigendum

No. 21/6/80-ILD Part

Read: Government Notification No. 21/6/80-ILD Part dated 14-11-1983.

In the schedules to the Government Notification of even number dated 14-11-1983 published in the Official Gazette, Series II, No. 33, dated 17-11-1983, the word "Panaji" appearing in column No. 2 against the entries at Sr. No. 2, shall be read as "Margao".

S. V. Bhadri, Under Secretary (Industries and Labour).

Panaji, 23rd May, 1984.

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